

National Archival Authorities and Public Sector Reform: A Case Study of The National Archives of New Zealand

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Abstract

The National Archives of New Zealand, a separate statutory entity, has been administratively serviced by the Department of Internal Affairs since the passing of the Archives Act 1957. In 1995 there was an attempt by the Chief Executive of the Department of Internal Affairs to divide the National Archives of New Zealand into policy, funder and provider units. This attempt was thwarted by the intervention of a stakeholder group, the Archives and Records Association of New Zealand, and eventually an opinion from the Solicitor-General who concurred that what was proposed was not legal under the Archives Act 1957. In late 1996 further structural change was proposed. On this occasion the 'reforms' were even wider ranging, involving the whole of the Department of Internal Affairs. The various existing divisions were grouped into larger units, supposedly to combine like with like or to promote synergies. Under this structure the National Archives became part of the Heritage Group, no longer a stand alone administrative unit, with the Chief Archivist reporting to a Heritage Group General Manager not the Chief Executive. This structure, too, has been challenged by the Archives and Records Association of New Zealand, joined by the New Zealand Society of Genealogists. After an inconclusive judgement handed down from a mid 1998 High Court hearing, the matter has now passed to the Appeal Court. A further hearing is expected in 1999. In the meantime the Heritage Group continues with an Acting General Manager. How the National Archives will be placed in the governmental structure in the future remains uncertain.

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Her achievements include being awarded a Women's Suffrage Medal in 1993 for contributions to the celebration of 100 years of women's suffrage in New Zealand, gaining an Aotearoa Chevening Scholarship in 1995 to study management in Great Britain and being co-compiler with her husband of *New Zealand*, volume 18 of the World Bibliographic Series published by Clio Press in 1998.

Introduction to the Case Study

The case study raises important issues for the archives profession. It invites professionals to confront the uncertain administrative status accorded national archival authorities in many countries, and it highlights the lack of understanding about the role of such an authority in promoting good governance thereby affecting its placement in the government administrative structure.

It is also an object lesson in what can be achieved when a group of concerned stakeholders work together against what would be seen by most citizens, and indeed many public servants, as a *fait accompli*.

As a result of studying the scenario, learners should acquire

- a familiarity with two modern models of public service administration and their advantages and disadvantages when applied to a national archival authority
- sectoral model
- functional model (or policy/funder/provider split)
- a clearer understanding of the role of an archival authority and the optimum placement for such an authority within a government administrative structure.

The nature of this case study would suggest it should be directed towards managers and senior staff.

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Introduction

Since 1994 unprecedented controversy has surrounded the administration of the National Archives of New Zealand. Administratively a part of the Department of Internal Affairs since its formal establishment under the Archives Act 1957, National Archives has undergone restructuring in 1995, 1996 and 1997. The direction being imposed on the institution by politicians and officials has been challenged by professional and interest groups, including the Archives and Records Association of New Zealand (ARANZ) and the New Zealand Society of Genealogists (NZSG).

This case study describes the restructuring exercises that have taken place and raises the following questions:

- What should be the fundamental role (or roles) of a national archives?
- What is the/an appropriate placement of a national archival authority within the machinery of government to best assist the carrying out of the role (or roles)?
- When conflicts arise between externally imposed management requirements and professional principles and ethics, how might these conflicts be resolved?
- How can the 'stakeholder' relationship between a national archival authority and its professional and user communities best be managed?
- How can the 'stakeholder' relationship between the parent body of a national archival authority and professional and user communities best be managed?

This case study is in two parts. The first part considers the application of a policy/funder/provider split (or the functional model of public administration) to the National Archives, while the second examines the restructuring of the National Archives from a stand alone administrative unit to being part of a heritage group. The issues and concerns raised by each of these changes to the structure and relationships of the National Archives are set out.

Part I: Policy/funder/provider Split and Stakeholder Relationships

Overview/analysis

The National Archives of New Zealand has been part of the Department of Internal Affairs since its formal establishment under the Archives Act 1957, initially under the wing of a cultural branch. In 1989, in recognition of increased size and widening responsibilities, the institution was made a stand alone unit, with the Chief Archivist (the statutory head of the institution) reporting directly to the Chief Executive (or Secretary) of the Department of Internal Affairs. By 1994 the Chief Archivist had under his/her control some 75 staff distributed among a central Wellington headquarters building and three regional offices (Auckland, Christchurch and Dunedin). Infrastructure and support services, including financial, human resources and legal services, were provided by the host Department of Internal Affairs' Corporate Management Unit. However, because of its specialist nature, National Archives necessarily had more authority and autonomy in managing its infrastructure than other units of Internal Affairs. For example, it managed its repository buildings, selection of its staff and an annual budget of nearly NZ\$10m. To facilitate responsible management a new senior position, Administration Manager, was created in January 1993. (See Appendix 2, Chart 1).

In March 1994 the Ministers of Finance and Internal Affairs initiated a review of the administration and management structures of the National Archives. This measure was one of many reviews undertaken of public sector functions and work units, being an integral part of New Zealand public service reform during the 1990s. The consultants conducting the review, McDermott Miller Ltd, were initially keen to amalgamate the National Archives with the National Library, but eventually concluded that this merger was impractical. The review report did recommend, however, that there should be a policy/funder/provider split, and that the National Archives should become a Crown entity.

Crown entities cover a wide range of organisational categories. However, usually a Crown entity is governed by a board appointed by government. Day-to-day management is entrusted to a Chief Executive. Some Crown entities operate as companies. Generally the role of a Crown entity is to undertake advisory, regulatory, purchasing and service provision functions and they are often in competition with private providers. A feature of the creation of such bodies is that they have strict financial management and accountability obligations to fulfil through reporting mechanisms. As a Crown entity National Archives would still be part of the public sector but would be a semi-independent service provider with policy advice, purchase of the services and monitoring of performance being located within a government department, not necessarily the Department of Internal Affairs.

Behind the suggested policy/purchaser/provider split (also known as the 'functional' model of public administration) lay the thinking that the separation of policy making from operational functions ensured improved independent policy advice to government. It was also seen as a route to developing improved contestability within the public sector, allowing the provision of advice from different sources and the

purchase of services from a variety of contesting providers. During the review the dangers of 'capture by professionals' were seen as a strong reason for following the 'functional' model which would ensure that advice could be sought widely. The possibilities that there could be similar dangers within this model (that is the majority of professionals were employed within National Archives and they could withhold their advice from the separate policy unit and present it separately) were ignored.

With an Acting Chief Executive of Internal Affairs from late 1994, there was no immediate movement on the review recommendations. In 1995 a newly appointed Chief Executive proposed the immediate removal of policy functions to the Policy Unit of the Department of Internal Affairs, and the division of National Archives into an Office of the Chief Archivist (a funder unit) and the National Archives Business (a provider unit). The Office of the Chief Archivist would remain part of the Department, but would be administratively and physically separated from the National Archives Business. Both the Chief Archivist and the General Manager, National Archives Business, would report to the Chief Executive. Additionally, the Chief Executive promulgated the establishment of a National Archives Advisory Board, which would be concerned principally with the work of the National Archives Business, and would report to the Chief Executive, and a National Archives Advisory Committee, which would advise the Chief Archivist. (See Appendix 2, Chart 2).

The Chief Archivist expressed concerns as to whether the proposed re-structure violated the provisions of the Archives Act 1957 and warned of strong negative reaction from stakeholders. These forebodings were not seen as serious and implementation activities proceeded. It was envisaged that the new structure would be in place by the end of 1995 and in October of that year an advertisement was placed for a General Manager.

Enter the Archives and Records Association of New Zealand (ARANZ). This group was established in 1976 and had been a supporter of National Archives since inception. (See Objects, Appendix 1). Its membership was, and is, eclectic, consisting of archivists, librarians, records keepers, custodians, users and the generally interested. The group had long lobbied actively for a new Archives Act, both with politicians and the departmental officials. However, its efforts, and those of National Archives' management and earlier Chief Executives of the Department of Internal Affairs had been thwarted by the complexities of the political process and a lack of interest by politicians in the welfare of the nation's archives.

ARANZ confronted the Chief Executive with their concerns, citing the 1957 Archives Act. Central to the challenge was an assertion that the separation of funder and provider functions was illegal under Section 6 of the Act. (see Appendix 1). Under pressure, the Department of Internal Affairs took the issue to the Crown Law Office, eventually securing an opinion that what was planned could indeed be accommodated under existing legislation. With an apparent green light, steps to effect the changed structure continued. In an attempt to reduce public opposition, the Chief Executive called 'stakeholder' meetings in September 1995, endeavouring to demonstrate that what was being planned was in the best interests of the institution. At the stakeholder meetings the Chief Archivist, in spite of strong personal reservations, was required as a public servant to present the department's proposals in the best possible light.

Stakeholders pursued two lines of argument against the proposed re-structure at the meetings:

- that it was illegal to separate mandated functions
- that the policy/funder/provider split was not necessarily an appropriate model for an institution like National Archives.

It was clear that the stakeholders left these meetings unconvinced and determined to pursue the matter further. Beyond the immediate impact on National Archives, there were also philosophical differences as to whether policy/funder/provider splits worked in all circumstances, or whether there were instances when it was preferable to keep such functions together, or at least keep the funder/provider elements together. The stakeholders cited the ongoing difficulties within the health sector, the major proving ground for functional split experiments, as clear precedent for concern.

Convinced of the correctness of their stance and determined to fight, ARANZ briefed a constitutional lawyer (a Queen's Counsel) to provide a further opinion. This independent opinion took the view that it was not lawful to separate the provider functions of National Archives from the control of the Chief Archivist, whose responsibilities were quite clearly 'the custody, care, control and administration of the public records deposited at National Archives'. This opinion was conveyed to the State Services Commission, New Zealand's principal control agency, which, aware of the probability of High Court action, requested the Crown Law Office to reconsider the situation. After reflection, the Solicitor-General agreed that the Queen's Counsel's interpretation of the Archives Act was probably correct, and that the Department of Internal Affairs should seek a compromise.

After further discussions, in early 1996, the policy function was passed to the Internal Affairs Policy Unit with an internal division being effected within National Archives between a unit concerned with statutory and regulatory matters and a provider unit. This arrangement left both funder and provider operations under the direct control of the Chief Archivist. Accepting the compromise, albeit reluctantly, ARANZ withdrew its threat of legal action. This compromise also seemed to the Chief Archivist to provide a way out of the impasse. It mirrored the organisational structures in other similar agencies with service and regulatory functions, both in New Zealand and overseas, but nevertheless retained control of the state's archiving functions within the hands of the Chief Archivist. (See Appendix 2, Chart 3).

The State of Play: Implementation

The new structure was to be implemented from April 1996, and immediate steps were taken to put it into operation. An Acting General Manager of the provider unit (the National Archives Business) was appointed, the position of Statutory Regulatory Manager was advertised, the National Archives Advisory Board and the National Archives Advisory Committee were appointed. All that was now required was to make operational the divisions in responsibility between the National Archives Business and the Statutory Regulatory Group, and between the Advisory Board and the Advisory Committee.

The Advisory Board was appointed by the Minister of Internal Affairs on the recommendation of the Chief Executive. It comprised four members: a financial consultant; a businessman with technology skills; a university teacher who had been a user of National Archives; and a Maori lecturer in business studies who had also used National Archives. Significantly, a member with professional knowledge was not considered necessary. The Advisory Committee comprised nine members appointed by the Chief Executive on the recommendation of the Chief Archivist. The members represented organisations or groups of users with an interest in the performance of National Archives. Thus there were representatives from ARANZ, NZSG, the New Zealand Society of Archivists, the New Zealand Historical Association, the Professional Historians Association of New Zealand Aotearoa, the Association of Records Managers and Administrators, a representative of Maori stakeholders, the Hocken Library, and government departments.

No extra financing was provided for the new structure. Although initially it had been hoped to form the Statutory Regulatory Unit with a staff of up to 12, this was not possible in the face of resource constraints. However, by September 1996 a Manager had been appointed and by early 1997 he had been joined by a staff of two.

In the course of the 1995 confrontation, the position of General Manager, National Archives Business, had been advertised, but had not been filled. The revised status of the position (ie reporting to the Chief Archivist and not the Chief Executive) required that the candidates be advised of the new structure. Filling the position proved difficult. There were few archivists in New Zealand holding managerial positions who might look to move to a position of this nature. Moreover, the strong emphasis in the position description (and the preference of the Chief Executive and the chair of the Advisory Board) was that this person would be a business manager first and foremost. Knowledge and understanding of archives would be desirable, but not essential. The need to implement an automated system for finding aids also placed undue weight on selecting a person with a technological background and training. In the event, the one candidate from the October 1995 advertisement who seemed to meet both these criteria withdrew.

The position was re-advertised late in 1996 but attracted no suitable applicants. Eventually a headhunting approach was adopted to fill the position, and in December 1996 an individual was chosen who, in addition to possessing archives training and knowledge, had previously held a senior management position overseas. By this point the selection process had taken more than a year and it was not until late February 1997 that the appointee took up the position.

The Advisory Board and the Advisory Committee held several meetings during 1996 and 1997. The Board concentrated most of its energies on developing a strategic plan for National Archives, the result being a document indicating the directions in which the Board considered National Archives should move. There was little new in the document, but it gave support to directions the Chief Archivist had been promoting. The Board also examined business cases prepared by National Archives seeking capital injections from government for building refurbishment and the development of a computerised finding aid system. The ambit of the Board was exclusively the National Archives Business and as predominantly business people their role was to emphasise a business approach to the provider services.

The Advisory Committee always had a more nebulous role, being seen as a conduit between the stakeholders and the Chief Archivist for the conveyance of user concerns. As a group they understood that National Archives management was already aware of most of the concerns and that resolution in most instances required a financial injection. In times of cuts across the public sector, such assistance was unlikely to be forthcoming. Their main areas of interest were revision of the Archives Act 1957, the need to provide additional space for the storage of archives and the delays in providing automated access to the finding aids. During 1996 the Committee examined the draft bill, prepared extensive submissions relating to this document and wrote to the Chief Executive urging strongly the refurbishment of Archives House and supporting the case for an automated finding aid system.

Part II: Constitutional/evidential Role versus Heritage/cultural

Overview/analysis

During the latter half of 1996, the Department of Internal Affairs launched a major department-wide restructuring exercise involving all of its diverse divisions. Instead of the previous eleven stand alone units, there would be three large groupings: Identity, Executive Government Services and Community Development. As the planning progressed, Identity was further divided into Identity and Heritage. The effect of this restructuring was to place National Archives together with Heritage Property, the Dictionary of National Biography and Historical Publications, under a General Manager, Heritage Group. (See Appendix 2, Chart 4).

National Archives was by far the biggest unit in the new Heritage Group. In the planning phases considerable concern was expressed by the Chief Archivist that the approach was at variance with the internationally accepted models for national archival authorities and that the stress on heritage would impose an incorrect emphasis on the Chief Archivist's mandated functions of selecting and retaining public records in National Archives. As set out in the Archives Act 1957 these are:

'Deposit of public archives in National Archives

All public archives of the age of twenty-five years or over (other than those which under any Act are required to be held in the custody of a specified person or Government office) which in the opinion of the Chief Archivist are of sufficient value to warrant their preservation as:

- (h) Evidence of the organisation, functions, and transactions of the Government office in which they were originally made or received; or
- (i) Evidence of public or private personal or property rights or civic rights; or
- (j) Containing historical or general information –

shall be transferred to the custody of the Chief Archivist and be deposited in the National Archives.’

At all times the Chief Archivist acknowledged that archival authorities do have a heritage/cultural role, as well as constitutional/evidential roles, but insisted that the former is secondary rather than primary in that heritage values derived from primary value as authoritative evidence. The argument, while acknowledged, was not accepted. In addition, those pressing for consolidation asserted that there would be synergies within the units combined under heritage and that stressing this role would give National Archives an image to which more people could relate.

The original plan was based on locating all of the Heritage Group units together in Archives House. However, the cost of refurbishment and fitout of the National Archives headquarters was such that this scheme was indefinitely deferred. Instead, all units apart from National Archives were brought together in their existing location, having previously been housed on different floors of the multi-storied Internal Affairs building. (See Appendix 2, Chart 5)

The immediate impact of the new structure, which came into effect in October 1997, was

- the Chief Archivist was no longer responsible to the Chief Executive, but instead to the General Manager, Heritage Group
- the Chief Archivist lost her position on the Internal Affairs Executive Management Team, and thus the ability to input directly into decisions which could affect National Archives
- the Administration Manager and his staff would no longer report to the General Manager, National Archives Business, but to the General Manager, Heritage Group.

Once more the Archives and Records Association of New Zealand (ARANZ), this time joined by the New Zealand Society of Genealogists (NZSG), protested that the arrangement was unlawful. An application for judicial review was filed with the High Court outlining the organisations’ concerns that the Heritage Group approach

- was contrary to all international trends and International Council on Archives published principles
- downgraded the position of Chief Archivist
- was illegal in that it removed the Administration Manager and his staff from the direct control of the Chief Archivist as mandated under Section 6 of the Archives Act 1957
- gave heritage/cultural concerns an undue emphasis
- was inefficient and contrary to the care and custodial provisions of Section 6 of the Archives Act 1957 in proposing to use Archives House for accommodation for the other units of the Heritage Group.

The State of Play: Protracted Uncertainty, Weakness and Threat of New Restructure

Unable to win any concessions from the Department of Internal Affairs and dissatisfied with the information they were able to obtain, ARANZ and NZSG proceeded with their High Court action, once more employing as their counsel the constitutional lawyer who had previously offered advice. The case was heard on 1 and 3 July 1998 before Justice Ellis. His judgement, delivered late in the same month, did not significantly clarify the issues raised, Justice Ellis being of the opinion that much of what had been presented was difficult to rule upon. He considered that it was better to wait and see if the fears of the two litigating groups were borne out. ARANZ and NZSG have since lodged an appeal with the Appeal Court, seeking definite rulings on the matters raised. This appeal is unlikely to be heard until 1999.

In the meantime the Heritage Group has an Acting General Manager because a permanent appointment must await the conclusion of the legal process. Furthermore, in September 1997, the Chief Executive decided not to renew the Chief Archivist's contract. Hence that position, too, has been filled in an acting capacity, awaiting the result of the Appeal Court deliberations when it will be advertised.

It is also possible that before the appeal case is heard the situation will be overtaken and further complicated by the recommendations of a new wide-ranging machinery of government review. An officials group is examining afresh the administration of heritage/cultural activities, including archives, to assess what such a group should consist of and what would be the best structure for a grouping of this nature. The report from this group could have the potential to draw a beleaguered National Archives into a further restructuring round.

ARANZ and NZSG have presented submissions to the review. The stakeholders stated preference is the establishment of the National Archives of New Zealand as a separate statutory authority. The submissions strongly support the principle that the primary roles of a national archives are constitutional (selecting and maintaining an impartial record of the stewardship of government) and administrative (serving as 'the memory of government' through its functions as a repository of past policies and transactions). They counsel against the policy/funder/provider model citing the comments of the Australian Law Reform Commission as it considers a review of the Australian Archives Act 1983 and the experience of Britain's Public Record Office as a 'next steps' agency. The subsuming of National Archives within a heritage/cultural grouping is shown as contrary to general overseas trends and international principles.

The Case Problems

Educational Objectives

This case study raises a number of issues upon which can be based a discussion of the place of a national archival authority within the machinery of government.

At the end of the exercise students should have a clearer understanding of the following issues:

- Fashionable public administration models, in particular the concept of a policy/funder/provider split; what is meant by this concept; when such a split might be appropriate
- The major role of a national archival authority – is it there for principally constitutional/evidential reasons, or is it simply a heritage/cultural body?

Part I: Exercise

Instructions: As the Head of a national archival authority you are aware of an interest by the government of your country in moving to the functional model (or funder/policy/provider split) for government agencies. Wishing to prepare yourself if such an option is suggested for your institution:

1. Identify the key features of this model and consider how it differs from other current administrative models. Would it be compatible with the model you currently operate under?
2. List the advantages and disadvantages of the functional model.
3. Examine the administrative structure of a number of archival authorities in other countries and determine the type of model embraced in each case.
4. Prepare notes for a discussion in which you either defend your current structure or support change, providing clear reasons for the stance adopted.
5. List the possible impacts of a change to the structure of your authority and consider how any of these might constitute major risks to a decision to make a change.
6. List the sources used in considering the models and reaching your conclusion

Instructor's Notes

In assessing this exercise you would expect to see:

- 1 A clear explanation/definition of the functional model indicating that the student has understood what this model implies and how it differs from other administrative models.
- 2 In listing possible advantages and disadvantages assessment of:

- the impact of separating of policy from operations
 - possible legal implications
 - the effect on clients and customers
 - logistical implications of separation of policy, funder and provider functions
 - financial implications of such a separation.
- 3 Use of web pages, annual reports, strategic plans etc to identify the model different archival authorities operate under.
 - 4 Notes which clearly indicate that the student has the ability to accurately assess the advantages and disadvantages, then to use them in marshalling a credible case.
 - 5 An appropriate bibliography.

Note: As this is a problem for which there are no absolute right and wrong answers there may be advantages in studying it within a group. Students could be asked to follow the instructions as above, then to present their cases to the group or the instructor. The instructor and other students could then act as *devil's advocates*.

Part II: Exercise

Instructions:

- 1 Closely examine the mission statements, objectives, role descriptions, governing legislation and the administrative placements of at least four national archival authorities. Present your findings in notes.
- 2 From the information obtained, list the different roles a national archival authority can be seen to be undertaking
- 3 Attempt to reconcile the models identified with general principles for archives legislation and administration promulgated by international bodies such as the International Council on Archives (ICA) and UNESCO.
- 4 Develop what you consider the roles of a national archival authority should be, listing them in order of importance giving reasons for your order.
- 5 What administrative placement do you consider best assists the model you have developed. Give reasons for your decisions.
- 6 List the sources you have used in this exercise.

Instructor's Notes

In assessing this exercise you would expect to see:

- 1 notes on the mission statements, objectives, role descriptions, acts and administrative placements of four major national archival authorities

- One would expect to see from the examination a consideration of whether roles are always presented in the same order, which national archival authorities stress particular roles as being primary and others as secondary, how far mission statements and objectives support the roles presented.
- 2 a list of the different roles assumed by these national archival authorities, which should include
 - evidential role
 - constitutional role
 - heritage considerations
 - oversight of records management within government (Records management continuum)
 - 3 a consideration of whether more theoretical descriptions of the roles of national archival authorities presented by bodies such as ICA and UNESCO differ from practice.
 - 4 an ordered listing of roles with reasons for the arrangement.
 - 5 a reasoned description of an administrative placement for a national archival authority

Does its role determine its placement within a government structure? Should a national archival authority be able to operate without the constraints imposed by being part of a department which is subject to the requirements of an archives act?

If a national archival authority is seen simply as a heritage/cultural body, what are the possible effects on its ability to carry out statutory functions?
 - 6 a list of sources consulted with full citations.

Additional Study Exercises

While two problems have been suggested as arising from this case study there are others that could also be developed. For instance it may be instructive to explore the following problems:

- 1 How does a senior manager deal with a situation where externally imposed management requirements conflict with professional principles and ethics? What should be the manager's external demeanour? Is it appropriate to 'fight' the proposal internally? Is resignation (or in this case termination of a contract) the only possible end solution?
- 2 How much should stakeholders be involved in agency or departmental internal restructuring plans? Does an institution's status as part of the public sector give stakeholders a right to be informed? What are the advantages/disadvantages of having stakeholder groups supportive of an institution like National Archives? What are the advantages/disadvantages of such groups acting as 'watchdogs' and going as far as taking legal action?

- 3 In this instance Chief Archivist and stakeholders were apparently ‘on the same side’ and the host administrative body was the ‘enemy’. If the situation had been different, ie if the Chief Archivist had been wholly committed to the restructuring and had been trying to sell an idea to the stakeholders to which they objected, the whole approach would be different - or would it? How should one go about ‘selling’ an unwelcome idea to stakeholders? How would such a situation be different to the case study described?
- 4 In the case study the Chief Archivist had two appointed groups with which to establish relationships – the National Archives Advisory Board and the National Archives Advisory Committee. What could the role of each of these bodies be and how would the Chief Archivist best manage these relationships? Are two overlapping advisory bodies viable?

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State Records [New South Wales] Home Page URL: <http://www.records.nsw.gov.au/>

Scroll down the text to the blue words 'State Records Act' and click to bring up a discussion of the responsibilities of all stakeholders under the new legislation proclaimed 1 January, 1999. This website also has very useful links to other national and state archives which have organisational mission and functional statements and details of responsibilities and powers set out in laws and regulations.

Appendix 1: Extracts

Archives Act 1957

Administration

4. Administration of Act – Subject to the control of the Minister, the Secretary for Internal Affairs shall be charged with the general administration of the Act.

5. National Archives – There is hereby established a repository to be known as the National Archives, in which such public archives as are considered worth permanent preservation shall, in the manner prescribed by this Act, be deposited and preserved.

6. Chief Archivist – There shall from time to time be appointed under the provisions of the [State Sector Act 1988] a Chief Archivist, who shall be an employee of the Department of Internal Affairs and, under the general direction of the Secretary for Internal Affairs, shall be charged with the custody, care, control and administration of all public archives deposited in the National Archives and the performance of any other duties prescribed by this Act.

ARANZ Objects of the Association

The objects of the Association shall be:

- To foster the care, preservation and proper use of archives and records, both public and private, and their effective administration.
- To arouse public awareness of the importance of records and archives and in all matters affecting their preservation and use, and to co-operate or affiliate with any bodies in New Zealand or elsewhere with like objects.
- To promote the training of archivists, records keepers, curators, librarians and others by the dissemination of specialised knowledge and by encouraging the provision of adequate training in the administration and conservation of archives and records.
- To encourage research into problems connected with the use, administration and conservation of archives and records and to promote the publication of the results of this research.
- To promote the standing of archives institutions
- To advise and support the establishment of archives services throughout New Zealand
- To publish a journal at least once a year and other publications in furtherance of these objects.

ARANZ *National Archives under serious threat.* (August 1995)

‘...the Association recently learned that a proposal is before Government to...[split] National Archives into a number of mini ‘business units’ under the general purview of Internal Affairs.....Deliberately, to ensure ‘transparency’ and ‘accountability’

...the units will be rigidly separated, both organisationally and physically.

...What would result is no less, for that matter no more, than the current health system writ small. For Ministry of Health, read departmental 'policy group'. For RHA [Regional Health Authority] read 'statutory-regulatory unit'. For CHE [Crown Health Enterprise] read 'service unit'.

...National Archives has a number of roles, the most publicly visible its function as a research repository.... National Archives is also charged with ensuring administrative efficiency through the selection and preservation of the vital records of government, arranging their transfer from scattered departmental records rooms to centralised storage....But most critical of all is National Archives' role in ensuring the accountability of governments.'

Extracts from legal opinions

M. T. Parker, Crown Counsel, Crown Law Office, 22 September 1995

'The reorganisation proposals...provide for the employment of a General Manager who by and large will be responsible for the administrative detail of the archives, an advisory committee, an advisory board and a policy unit. While none of these bodies are specifically provided for in the Act, there is no reason why the Secretary, acting in accordance with his general duty of administration of the Act, cannot undertake the proposed reorganisation if he is satisfied that it is appropriate for the administration of the archives.'

D. L. Mathieson, QC. 24 October 1995.

'entrusts the *statutory function* (to be distinguished from a *statutory power*) of (1) custody, care, control and administration of all public archives deposited in the National Archives, and (2) performing any other duties presented by the Act, to the Chief Archivist.'

'The Act entrusts the double-barrelled function...to the Chief Archivist, who cannot lawfully get rid of that function. She cannot therefore delegate it in such a way as to exclude herself from performing that statutory function.'

'the direction to *delegate archives services provider functions* to the General Manager, these including the custody etc of public archives deposited in the National Archives, with the intention from the beginning that the Chief Archivist be altogether prevented from thereafter discharging her statutory function, would be unlawful and void.'

J. J. McGrath, Solicitor-General, Crown Law Office, 5 December 1995

‘What cannot be done, in my view is to require that the discharge of any aspect of the statutory functions be removed from the Chief Archivist’s responsibility...In the context of the desired changes it seems to me that the statute requires that a general manager of National Archives should report to the Chief Archivist rather than to the Secretary of Internal Affairs’.

J. J. McGrath, Solicitor-General, Crown Law Office, 13 May 1997

‘The Chief Executive, as Secretary of (sic) Internal Affairs, may give directions to the Chief Archivist as to the manner in which the National Archives are to be administered. However, such directions may not remove any aspect of the Chief Archivist’s statutory duties from her responsibility.’

‘I assume that the interposition of a Heritage Manager between Chief Archivist and Secretary for Internal Affairs will be accompanied by a delegation of powers by the Chief Executive to the Heritage Manager....If the status of the Chief Archivist is seen as thereby reduced, that is a matter the Chief Executive should look to counter in an appropriate way....[The Heritage Manager] will, of course, enjoy no wider power than did the Secretary for Internal affairs.’

‘I recognise that the loss of direct management control over the provision of necessary services will have some impact on the Chief Archivist’s management freedom. However...I do not regard the 1997 proposal as involving any significant degree of intrusion on the Chief Archivist’s duties of custody, care, control and administration.’

D. L. Mathieson, QC. 27 August 1997

‘In my opinion, if the 1997 proposal involves any diminution of the statutory functions of the Chief Archivist in respect of the ‘custody, care, control and administration of all public archives deposited in the National Archives’ the 1997 proposal is unlawful to that extent. The Solicitor-General does not consider that there will be any significant degree of intrusion on the Chief Archivist’s duties. I do not believe that the matter is one of degree. Any intrusion on the Chief Archivist’s duties is...unlawful. Moreover, in my opinion the degree of intrusion is significant.’

ARANZ A new threat to National Archives. (April 1997)

‘...Dr Blakeley had been developing a new scheme...[to place National Archives]...within a new and strongly commercially oriented Heritage New Zealand business arm of the Department. This business will encompass the existing semi-autonomous units, National Archives, the Historical Branch, the Dictionary of New Zealand Biography, and Heritage Property (monuments and war graves).

A loose grouping of these agencies has a superficial appeal, but their total integration into a single business unit will effectively undermine the statutory role of National Archives as guardian of the public record, guarantor of government accountability. Instead it will become just another provider of heritage information generating revenue for the Department of Internal Affairs.

...ARANZ has consistently advocated the need to ensure that an impartial and comprehensive public record is selected and maintained, and ready access provided to it. It believes this is only possible if the operational independence conferred upon National Archives by the 1957 Archives Act is respected and the institution protected from unwarranted outside pressures, including improper intrusions by its servicing department...As a recent report by the Australian Law Commission notes: 'the establishment of a statutory authority would simultaneously promote independence for those responsible for the archival function, while making them directly accountable to Parliament and, through Parliament, to the wide range of interested stakeholders'.'

Roger Blakeley. *New Zealand Heritage Group: a proposal.* (16 June 1997)

'Aims and objectives.

The aim is to unify the heritage interests of the Department into a cohesive and complementary group....the primary objectives of the integrated structure are to position the respective businesses to improve customer services and to attract additional resources.

...it is envisaged Heritage New Zealand will provide a strong force in the heritage sector...Bringing together the department's functions will create an environment to foster links with heritage agencies both within government and the private sector. It will enable achievement of coordinated policy and programmes, appropriate to the growing public need for an expression of identity and heritage, and in keeping with the importance placed by government on the 'crucial role of our cultural heritage and shared history'.'

Extract from *Judgment of Ellis J.* (31 July 1998)

'The relevant evidence for the plaintiffs includes affidavits from Ian Wards, formerly the Chief Historian; Heather Webber, the President of the New Zealand Society of Genealogists; Alison Fraser, a record management consultant with considerable experience in the public sector; Stuart Strachan, the Hocken Librarian and an archivist; Peter Brooks, a very experienced public servant who at one time was Deputy Secretary of Internal Affairs; James Traue, formerly the Turnbull Librarian; Sir Geoffrey Palmer, a former Prime Minister; Raymond Grover, a former Chief Archivist; Susan McKemmish, an Associate Professor in the Department of Librarianship, Archives and Records at

Monash University; Donald Gilling, formerly a Professor of Accounting and Finance; Kate Brown, a senior lecturer in finance and quantitative analysis; and Kathryn Patterson, the current Chief Archivist. It is an impressive list of deponents. Their evidence is cogent and compelling. In essence each emphasises the importance of National Archives being managed by an independent officer...It is hard to believe that it is the Secretary's intention, let alone the Minister's, to stifle such obvious and important input.

It is too early to be able to say that the Secretary's proposals and the General Manager's [Heritage Group] functions go further than envisaged by the Archives Act...If the plaintiffs' witnesses are reading the signals correctly, it may well be that proposal is going to go too far. At the moment the hard evidence is ambiguous and incomplete...There is wise counsel in some of the plaintiffs' evidence and important principles are in issue. It would be a pity if the long term issues relating to the custody and use of National Archives should take second place to relatively minor immediate bureaucratic gains'.

Extracts from *Culture and Heritage Review: Future Governance of National Archives* Submission of the Archives and Records Association of New Zealand Inc and the New Zealand Society of Genealogists Inc, November, 1998.

'6. The National Archives of New Zealand has three functions, two of which may be regarded as primary, the third secondary.

The primary roles are:

The constitutional role, whereby it is required by statute to select and maintain an impartial record of the stewardship of the government of New Zealand, that is to act as an instrument of accountability....

The administrative role, whereby it serves as 'the memory of government' through its function as a repository of past policies and transactions that are drawn upon by government agencies for the better conduct of current business, including policy formation...

The secondary is:

The cultural role (essentially a by-product of the previous two roles) whereby the archival authority is required to act as a repository for information concerning the history and development of the country as a state.....

That...a national archival authority should ...be the state's principal adviser on current records management matters is now recognised widely internationally. It should be the organisation charged with the major responsibility for a single whole of government approach to records creation and maintenance.

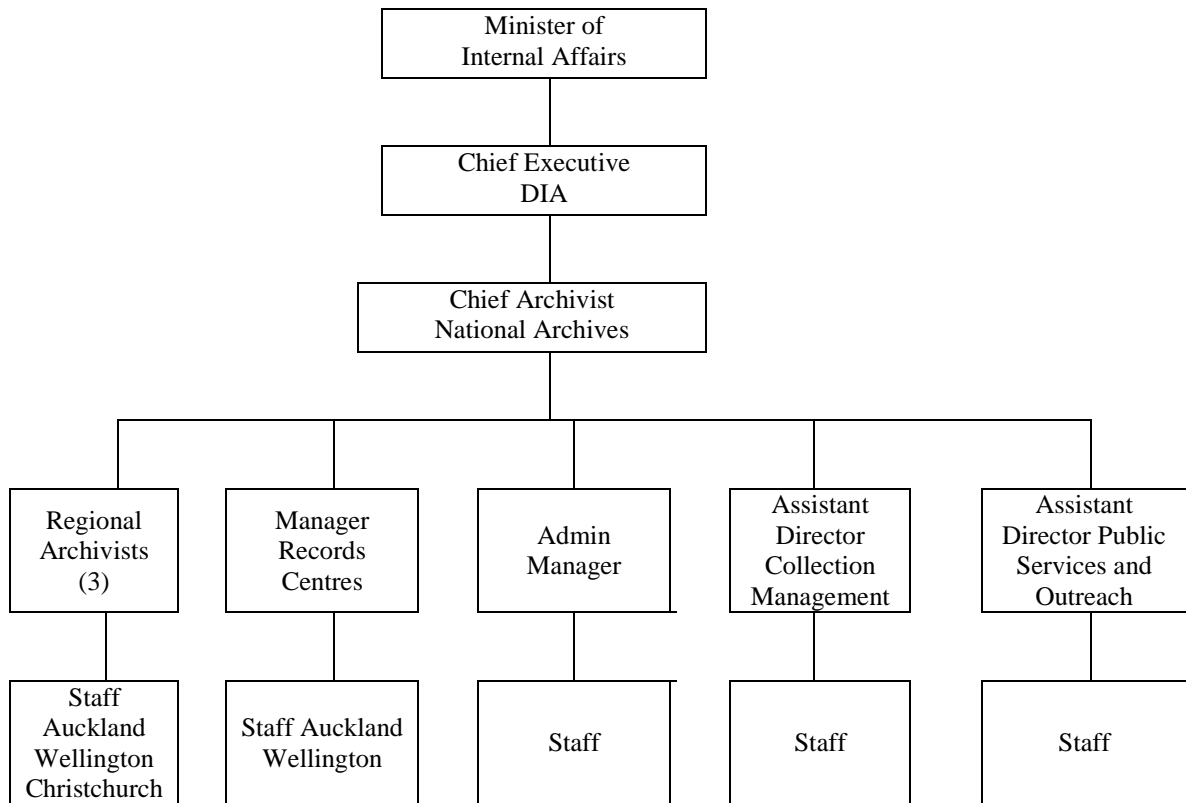
Associated obligations include:

- Promulgation of public sector record keeping standards

- Oversight of public record keeping practices
- Leadership in government held information initiatives
- Surveys of government held information.’

Appendix 2: Organisation Charts

Chart 1 National Archives at January 1993

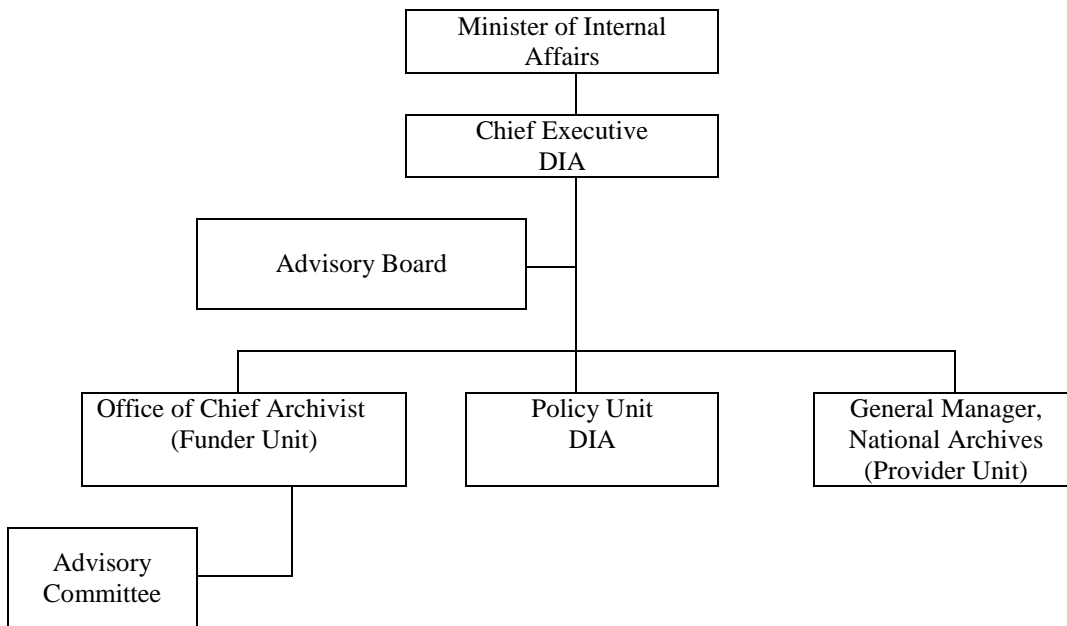


POSITION	RELATIONSHIPS	RESPONSIBILITIES
Chief Archivist:	Responsible to Chief Executive, Department of Internal Affairs <i>Working Relationships:</i> <ul style="list-style-type: none"> • Chief Executive DIA and staff DIA • Minister of Internal Affairs • Chief Executives, Government Departments • Public • Stakeholders • Vendors • Peers, national and international 	Management of National Archives under Archives Act 1957
Regional Archivists:	Responsible to Chief Archivist <i>Working Relationships:</i> <ul style="list-style-type: none"> • Chief Archivist 	Provision of archives services to regions

	<ul style="list-style-type: none"> • Staff DIA • Government Departments • Public • Stakeholders 	
Manager, Records Centres:	<p>Responsible to Chief Archivist</p> <p><i>Working Relationships</i></p> <ul style="list-style-type: none"> • Chief Archivist • DIA staff • Government departments • Public • Other record storage firms • Vendors eg box makers 	<p>Management of records centres in Wellington and Auckland.</p> <p>Storage increasingly for private sector clients</p>
Administration Manager:	<p>Responsible to Chief Archivist</p> <p><i>Working Relationships:</i></p> <ul style="list-style-type: none"> • Chief Archivist • Staff National Archives • Staff DIA particularly finance division • Property consultants • Building contractors eg cleaners, lift maintenance, etc • Security firms 	<p>Management of:</p> <ul style="list-style-type: none"> • Property issues • Financial oversight • Building management • Administration functions - word processing, facilities management, reception, security
Assistant Director, Collection Management:	<p>Responsible to Chief Archivist</p> <p><i>Working Relationships:</i></p> <ul style="list-style-type: none"> • Chief Archivist • Staff DIA • Staff National Archives • Preservation and conservation groups • New Zealand Film Archive and other film organisations • Government departments • Stakeholders • Administration Manager and staff • Peers, nationally and internationally 	<p>Management of the collection:</p> <ul style="list-style-type: none"> • Appraisal and transfer • Arrangement and description • Preservation • Repository management • IT

Assistant Director, Public Services and Outreach:	Responsible to Chief Archivist <i>Working Relationships:</i> <ul style="list-style-type: none"> • Chief Archivist • Staff DIA • Staff, National Archives • Public, researchers • Stakeholders • Administration Manager and staff • Government departments • Peers, nationally and internationally 	Management of services to the public and outreach <ul style="list-style-type: none"> • Reference services • Exhibitions • Photocopying • Facsimiles • Publications • Library
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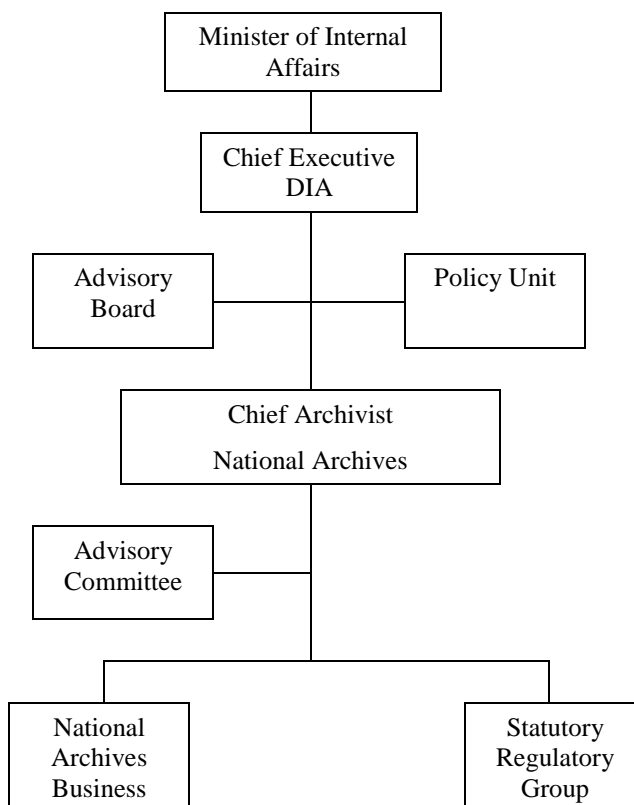
Chart 2 Proposed Structure 1995



Commentary: Chart 2

ORGANISATIONAL UNIT	RESPONSIBILITIES AND RELATIONSHIPS
<p>Office of the Chief Archivist: <i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA</p>	<ul style="list-style-type: none"> • Provide funds from Vote: Internal Affairs to National Archives Business (and possible other contractors) • Service Level Agreement with General Manager National Archives Business • Setting and monitoring standards • Operational policy • Approvals under Archives Act 1957 for transfer and disposal • Outward looking role promoting role of National Archives to government departments and public
<p>National Archives Business: <i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA</p>	<p>Responsible for all services - appraisal, transfer, arrangement and description, reference, preservation, outreach, facility hire etc.</p>
<p>Policy Unit: <i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA</p>	<ul style="list-style-type: none"> • Preparation of policy relating to National Archives for Minister of Internal Affairs • Revision of Archives Act
<p>Advisory Board <i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA</p>	<p>Provides advice to Chief Executive on management of National Archives Business, including strategic and business planning and use of technology</p>
<p>Advisory Committee: <i>Reporting & Supervision:</i> Responsible to Chief Archivist</p>	<ul style="list-style-type: none"> • Provides advice to Chief Archivist on technical matters relating to National Archives • Acts as a conduit for user concerns.

Chart 3 Structure 1996

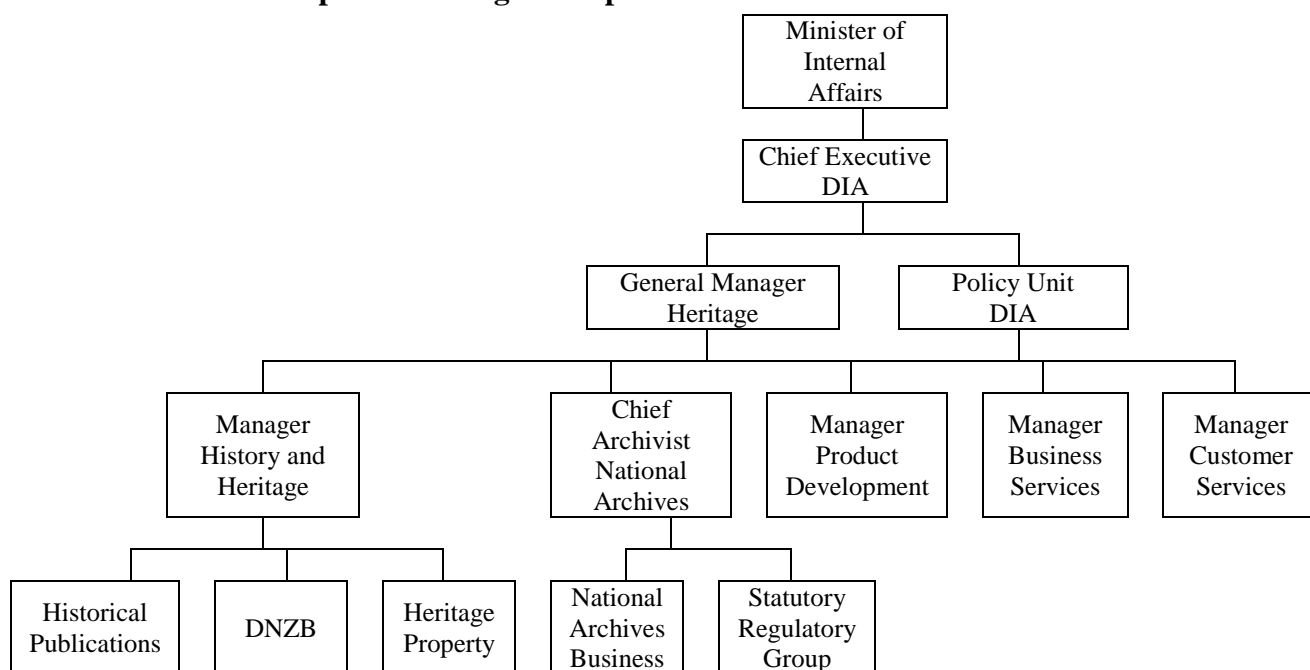


Commentary Chart 3

ORGANISATIONAL UNIT	RESPONSIBILITIES AND RELATIONSHIPS
<p>Advisory Board</p> <p><i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA</p> <p><i>Functional Relationships:</i></p> <ul style="list-style-type: none"> • Chief Executive • Chief Archivist • General Manager, National Archives Business 	<p>Provides advice to Chief Executive on management of National Archives Business, including strategic and business planning and use of technology</p>

<p>Policy Unit, DIA: <i>Reporting & Supervision:</i> Responsible to Chief Executive, DIA <i>Functional Relationships:</i></p> <ul style="list-style-type: none"> • Minister of Internal Affairs • Chief Executive • Chief Archivist 	<ul style="list-style-type: none"> • Preparation of policy for Minister’s consideration. • Legislation
<p>Advisory Committee: <i>Reporting & Supervision:</i> Responsible to Chief Archivist <i>Functional Relationships:</i></p> <ul style="list-style-type: none"> • Chief Archivist • Manager, Statutory Regulatory Group • Users, National Archives • Stakeholders 	<ul style="list-style-type: none"> • Provides advice to Chief Archivist on technical matters relating to National Archives • Acts as a conduit for user concerns.
<p>Statutory Regulatory Group: <i>Reporting & Supervision:</i> Responsible to Chief Archivist <i>Functional Relationships:</i></p> <ul style="list-style-type: none"> • Chief Archivist • General Manager, National Archives Business • Advisory Committee • Appraisal Consultants • Government Departments • Stakeholders • Peers, national and international 	<ul style="list-style-type: none"> • Assessing of appraisal reports before passing to Chief Archivist for sign off • Liaison with government departments • Liaison with consultants, • Preparation of standards and operational policy.
<p>National Archives Business: <i>Reporting & Supervision:</i> Responsible to Chief Archivist <i>Functional Relationships:</i> Advisory Board</p>	<ul style="list-style-type: none"> • Provision of services to government departments and users of archives stored at National Archives. • Transfer of archives from government departments

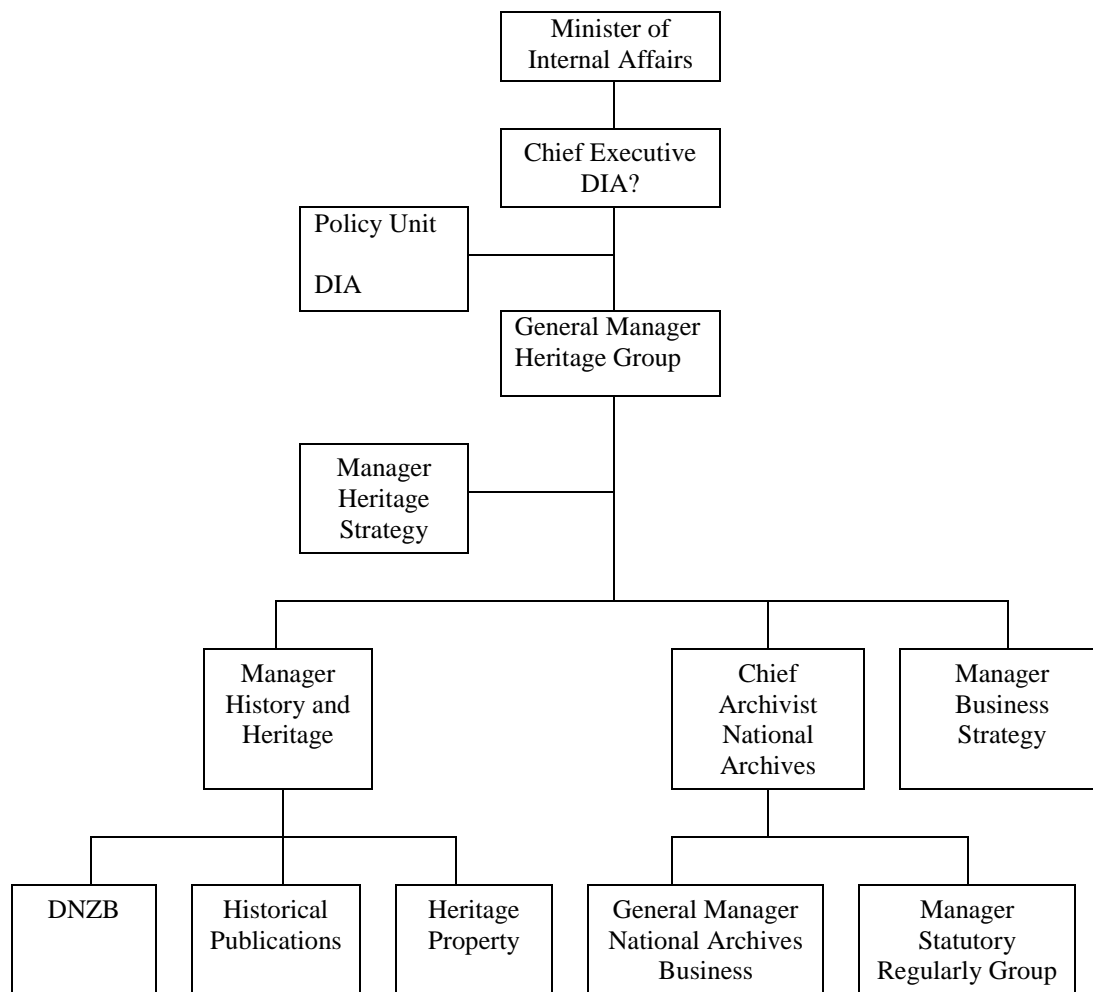
Chart 4 Proposed Heritage Group DIA



Commentary Chart 4

ORGANISATIONAL UNIT	RESPONSIBILITIES AND RELATIONSHIPS
Historical Publications:	<ul style="list-style-type: none"> • Designs plans and supervises historical research and writing on contract through to publication. • Predominantly produces works concerning government departments and their policies and functions • Publications range from major works to oral histories and illustrated booklets. • Dictionary of New Zealand Biography (DNZB): Publication of a multi-volume dictionary of national biography
Heritage Property:	Responsible for service cemeteries, historical war graves, historical monuments, the protection of antiquities, and national monuments including the National War Memorial.
National Archives:	Mandated under the Archives Act 1957 to ensure that government records of permanent value are identified, preserved and made available to researchers.
Business Services:	Will include IT, administration, human resource capability, financial oversight etc
Product Development:	Purpose is to investigate new product opportunities for the Heritage Group which will lead to future revenue opportunities.
Customer Services:	Reception, switchboard, facilities management.

Chart 5 Implemented Structure 1997



Commentary on Chart 5: as implemented

ORGANISATIONAL UNIT	RESPONSIBILITIES AND RELATIONSHIPS
<p>Manager, History and Heritage Historical Publications Dictionary of New Zealand Biography (DNZB) Heritage Property:</p>	<p>Historical Publications- Designs plans and supervises historical research and writing on contract through to publication. Predominantly produces works concerning government departments and their policies and functions Publications range from major works to oral histories and illustrated booklets. Dictionary of New Zealand Biography (DNZB): Publication of a multi-volume dictionary of national biography Heritage Property -Responsible for service cemeteries, historical war graves, historical monuments, the protection of antiquities, and national monuments including the National War Memorial.</p>
<p>National Archives:</p>	<p>Mandated under the Archives Act 1957 to ensure that government records of permanent value are identified, preserved and made available to researchers.</p>
<p>Business Services:</p>	<p>Will include IT, administration, human resource capability, financial oversight etc</p>
<p>Product Development - Replaced by Manager, Heritage Strategy</p>	<p>Considers strategic issues, develops the strategic plan for the Heritage Group, Prepares business cases.</p>
<p>Customer Services:</p>	<p>DEFERRED. Inability to co-locate the units meant that implementation was not achieved. Reception, switchboard, facilities management.</p>

Revising Archival Legislation in Zomora:

A Case Study

Charles Gibson¹

Abstract

The events described in this case study have their genesis in an actual effort to revise, strengthen and modernise the existing archival legislation in a particular country. The objective of this case study is to identify and analyse some of the key limitations of the existing archives legislation, in particular to assess how its provisions affect the national archives' mandate to provide a truly effective 'national archives and records service'. In addition, the case study underscores the importance of ensuring National Archives participation in the drafting and implementation of ANY key legislation impacting upon public record keeping. Specifically, it relates to the difficulties that ensued when a Freedom of Information legislation was drafted and passed without reference to related archival legislation or consultation with the National Archives. Faced with conflicting instructions governing access to records needed for public accountability, the National Archives must act quickly to ameliorate the conflicts and ensure that consultation is always forthcoming when legislative and regulatory matters impact upon record keeping.

¹ Mr. Charles Gibson is Chief Archivist in the Belize Archives Department, a post he has held since 1982. He completed his B.A. Degree in Library Administration at the University of the West Indies, Jamaica in 1980 and M.A. in Archive Studies at the University of London in 1982.

As the Chief Archivist of the National Archives of Belize, Mr. Gibson has contributed significantly to the development of archive services in Belize and has been instrumental in increasing awareness and greater appreciation for the collection and preservation of public records. In 1997, through his initiative a major project was launched to Improve the Management of Records in the Belize Public Service. With assistance from the International Records Management Trust, he successfully engineered the restructuring of records management systems in government agencies, assisted in the preparation of a new draft archival legislation and scheme of service for records personnel in the Public Service.

He has participated in numerous conferences and workshops outside Belize and shared professional advice through publications on managing public sector records and archival legislation. During his tenure as president of CARBICA for four years, his main focus was on uplifting the standards for managing information in the Caribbean Region.

Mr. Gibson has been Secretary of the Commission on Archival Development (CAD/ICA) and Chairman of the Association of Commonwealth Archivist and Records Managers since 1996, and is also an Executive member of the Belize Museum Project, The Archives Advisory Board, Association of Public Service Senior Managers and the Public Sector Reform Committee in Belize.

National Archival Legislation and the Impact of the Freedom of Information Act

In early 1980 the Zomora National Archives identified a need to enact legislation which would establish and legalise the functions of the National Archives. As a result, an Archives Advisory Committee (AAC) was appointed by the Minister of the Public Service who was responsible for public archival matters in Zomora. The committee was given a mandate to draft appropriate archives legislation which would be studied by the three parties most concerned about archival effectiveness in Zomora - the National Archives, the AAC and the Public Service Ministry. The AAC held several meetings and examined many of the existing regional and international archival legislation. The AAC also organised numerous consultative sessions with government, religions and private bodies that create records or serve as repositories for significant public and private records and archives. In the end, the *Zomora Archives Act No. 19 of 1980* was passed by Parliament.

It is now April 1999, and the *Zomora Archives Act* is nineteen years old. The Director and staff of the National Archives of Zomora are experiencing serious difficulties with the existing legislation's inability to address the more central and dynamic role and responsibilities a national records and archives service performs in a modern society.

One of the biggest problems is that the existing legislation does not assign specific responsibilities for the management of current and semi-current public records to any particular agency of the Zomora government. Although, the National Archives of Zomora has performed such services by informal agreement over the past six years, its staff have found many of government ministries and departments unaware or unwilling to adhere to National Archives instructions on new records management systems and procedures. This non co-operation puts extra strain on the National Archives which itself is being asked to be more responsive to user needs, to keep pace with Government's public sector reform programmes and adjust work practices to accommodate computerisation and freedom of information initiatives.

One of the other big problems facing the National Archives is the inadequacy of the 1980 archival legislation whereby records are not being managed throughout their life cycle.

For instance, section 13 (3) (f) of the *Zomora Archives Act* stipulates that

‘the Archivist shall have access to any place of deposit of public records and shall have the power to examine such records and shall have the power to examine such records with a view to list them or take such steps that may be necessary for their transfer to the National Archives of Zomora’.

The National Archivist of Zomora points out that under current interpretations of the law, records can only be legally inspected and transferred to the National Archives once they become *non-current*.

Similarly, personnel from the Information Technology (IT) Unit of the National Archives have also expressed grave concerns that no retention and disposal requirements are built into the new IT systems of Zomora government agencies which are generating records. It is certain that many of these records are being deleted while others will become technically inaccessible before archival selection processes to bring them to the National Archives normally take place. Provisions are urgently needed to manage and protect all records and documents in electronic form that support the Government's public sector reform initiatives and more importantly to enhance transparency, accountability and protection of citizens' rights.

The upshot is that the documentary heritage of Zomora is suffering damaging consequences as, under current laws, the National Archives cannot ensure that the right records are being created, properly managed, much less protected for permanent preservation.

As a consequence, the National Archivist and her staff recognises that there is now an urgent need to revise and strengthen the 1980 *Archives Act* to provide the National Archives of Zomora with a comprehensive code to ensure the continuous management of all records, paper and electronic, from creation to disposition.

The National Archivist also recognises that whatever amendments are made to the *Zomora Archives Act 1980* must address conflicts it has with some of the provisions of the *Freedom of Information Act (FOIA) No. 38 of 1996*. One of the main concerns of the National Archives is whether or not the *Freedom of Information Act* takes precedence over the *Zomora Archives Act*. If so, the *FOIA* can legally require the National Archives of Zomora to divulge the contents of public records in its possession that are less than thirty years old. The *Zomora Archives Act*, Section 11, Subsection 2, regards as confidential any public records less than thirty years old held in the National Archives. However, by the same section, such record or records may be made available to any person for research if it had been previously published or through permission from the Minister responsible for archival services provided certain conditions and restrictions are met.

The *FOIA*, on the other hand, gives every person the right to obtain access to public records of a government ministry or department or prescribed authority other than an exempt document.

Refusal of access to records is limited to those categories of records classified as exempt and include:

- records affecting national security, defence and international relations
- cabinet documents
- records affecting enforcement and administration of the law
- records to which secrecy provisions of enactment apply (UK Secrets Acts apply to Zomora)
- records affecting personal privacy
- records affecting legal proceedings
- records relating to trade secrets

- records affecting national economy.

Records falling within the exempt categories listed above are no doubt in possession of the National Archives of Zomora.

By providing every person with the right to obtain access to records of a Ministry or prescribed authority, the *FOIA* goes further than the *Zomora Archives Act*. Under provisions of the *Archives Act*, the decision of whether or not to allow a person access to records less than thirty years old in possession of the National Archives is a matter of discretion exercisable by the Minister responsible for archival matters in consultation with the Archives Advisory Board. However, under the provisions of the *FOIA*, the Ministry or prescribed authority does not have a discretion to refuse access to records to the public.

The National Archivist of Zomora is very supportive of the *FOIA* as she believes that government's activities can become even more transparent and the Government can be held more accountable through the proper management of records throughout their life-cycle. However, the National Archivist and her staff need to come up with ways of how access to information under both pieces of legislation (*Zomora Archives Act 1980* and the *FOIA 1996*) can be tailored so that there is uniformity whereby the same law applies to information whether in the national archives and other government agencies.

Case Problems

Task 1

Based on the problems outlined in the case narrative, make recommendations as to what the National Archives of Zomora should do to address the apparent inadequacies of the *1980 Archives Act* with particular reference to the management of modern public sector records and the management of electronic records.

Task 2

Under the existing legislation (*Zomora Archives Act 1980* and *FOIA 1996*) John Public walks into the National Archives and demands access to records which are not classified as exempt documents and are ten years old. He cites FOIA as his authorisation for access. Under the law does he have the right to do so? How should the National Archivist respond and why?

Task 3

You are hired by the National Archives of Zomora to advise the Director on legal and records management considerations she has to take into account to revise and strengthen the *1980 Archives Act*. You are also requested to do so in conjunction with the provisions of the *Freedom of Information Act*. You are particularly requested to recommend ways in which the *Zomora Archives Act* can complement the *FOIA* whereby the same regulation on law applies to access of records which are in the national archives as well as other government agencies. Prepare an explanatory list of key provisions that you would recommend be adopted to address these concerns.

Instructor's Notes

Using the case study method of self instruction will help students develop and apply the following skills:

- identifying and analysing records management problems
- understanding and interpreting the data presented
- thinking analytically and critically
- exercising and making judgements
- communicating ideas and opinions
- making and defending decisions.

Learning Objectives

The National Archives of Zomora Case Study will enable students using it to

- identify and recommend measures the national archives can adopt to address its records management problems as they relate to improving access and the proper management of public sector records
- improve their understanding of some of the problems faced by the national archives which is operating under legislation that has not been amended to address the dynamic needs of governing a modern society
- analyse some of the requirements a Freedom of Information Act places on the national archives in managing and administering access to public sector records and make appropriate recommendations to address these.

Points for Students

Task 1

Make recommendations as to what the National Archives of Zomora should do to address the apparent inadequacies of the *1980 Archives Act* with particular reference to:

- the management of modern public sector records
- the management of electronic records.

Strategies/directions that can be explored by students might include:

- Form an Archives Advisory Committee to work along with the Director and staff of the National Archives of Zomora to come up with a draft 'national archives and records service' act

- Examine existing ‘archives and records service’ legislation from commonwealth countries that have similar political, legal and administrative background
- Ensure that one of the key provisions in the ‘new’ legislation that the National Archives is given the statutory responsibility to manage public sector records including electronic records from creation to disposition
- Serious considerations will have to be given **as to whether or not** to change the thirty years rule relating to the release of documents at the National Archives. As already pointed out the FOIA gives every person the right to obtain access to records, perhaps a similar provision should be included in any revision of the existing archives law
- A change of name from National Archives of Zomora to something like ‘Zomora Archives and Records Administration’ should be considered which will more accurately reflect the management of public sector records function that will be performed in the future
- Once the draft is agreed upon by the parties involved, it goes to the Minister responsible for Archives and he forwards it to the Solicitor General for legal scrutiny. It then goes to Parliament for consideration to become law.

Task 2

Considering the provisions of the two pieces of legislation involved, does John Citizen have any right to make such demands? How should the National Archivist respond and why?

Strategies/directions that can be explored by students might include:

- There are no doubts that the National Archives of Zomora is in possession of records falling within the exempt categories. In any case where there is doubt as to whether a particular record falls within the category of an exempt record, the National Archives may wish to consult with the Solicitor General’s Office for guidance. Alternatively, if the subject matter of a particular record is more closely connected to another Ministry or prescribed authority, the National Archives may wish to transfer the request for access to that Ministry or prescribed authority which might, by virtue of its expertise, be in a better position to make such determination
- Should any person apply to have access to any exempt record, the Ministry or prescribed authority with advice from the Solicitor General, has the right to refuse access. However, if the record does not fall in the exempt categories, then the Minister responsible for Archives under Section 11, subsection 2, may also give permission to examine the record in question. Under the provisions of the *Zomora Archives Act*, the decision of whether or not to allow a person access to records less than thirty years old in possession of the National Archives is a matter of discretion exercisable by the Minister (Section 11, Subsection 2). Clearly, the thirty year rule for public access to records in the National Archives and the general spirit of the *FOIA* - the right of every person to obtain access to records created by the Government of Zomora within the confines of that law - conflicts.

Should the thirty year closed access rule of the *Zomora Archives Act* be amended and, if so, how?

Task 3

You are requested to recommend amendments to strengthen the *Zomora Archives Act* of 1980 and particularly to identify ways in which the *Zomora Archives Act* can complement the *FOIA* regarding access to public records in the national archives as well as in other government agencies. Prepare an explanatory list of key provisions that you would recommend be adopted to address these concerns.

Strategies/directions that can be explored by students might include:

- With respect to revising and strengthening the 1980 Archives Act, this would have been dealt with at question one
- In general, Freedom of Information legislation is very helpful to archival agencies. Access legislation usually applies the same rules (the same law) permitting public inspection of records whether they are held in archival institutions or in government ministries and departments. Prior to access legislation, government ministries and departments may be reluctant to transfer records because they believe the records may be released too soon to the public by the archives. However, after the FOIA is legislated, the same law should govern public use of the records no matter whether they are located in the government ministries and departments or in the national archives. With this in operation, government ministries and departments should have little concern in transferring records to the archives, thus ensuring that the documentary heritage of the nation is preserved
- Since it appears that certain provisions of both the Archives Act and the FOIA conflict and also since it has been advised by the Solicitor General's Office that the FOIA supersedes the Archives Act, this situation further lends support for the need to amend the Archives Act and incorporate an access policy covering freedom of information and data protection.

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Records Management - Building or Adapting a Records Centre Facility: The Case of The Bahamas Records Centre

Gail Saunders and Elaine Toote¹

Introduction

It is August, 1988. The Department of Archives, Nassau, Bahamas is faced with a decision about whether to close its Records Centre due to insufficient staff or keep it open with very limited staff members and inadequate security.

The Director is aware that it was very difficult to procure resources both financial and human, for this project. She is also aware that it is extremely difficult to hire new staff members to replace those who resign. She is also aware that there is no alternative for the storage of the records that the Records Centre presently holds.

Overview/Analysis

The Records Management Programme began as early as the 1970s when the first survey of records in government ministries and departments was completed and lecture courses were conducted by Archives staff for administrators and clerical staff at the Public Service Training Centre.

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The aims of the Records Management Programme were to

- sensitise government ministries, departments and quasi - agencies to the importance of good records management practices
- establish and implement retention and disposition schedules for government ministries and departments through the implementation of an effective and efficient records management programme
- provide safe, affordable storage for government's non-current records
- allow for the easy and immediate recall and retrieval of records by depositing agencies
- allow for the preparation of a finding aid for the users of the Records Centre
- provide for the eventual transfer of archival materials to the Department of Archives.

The Department of Archives was given an existing building, which was previously used as the residence for the Director of Public Works. This location was accepted because up to that time requests to the government for space to open a records centre had resulted in the unavailability of old or new locations. In order for the programme to be properly implemented the Director accepted the existing building and agreed to utilise the renovated facility as a temporary solution.

The Department of Archives, through the Ministry Of Education, its parent ministry, spent approximately U\$12,000 to renovate this facility and make it a viable records centre.

The renovations took about two years to complete. After the building was completed, shelving was dismantled at several holding rooms in other government buildings that were storing non-current records. Additional shelving also had to be purchased. Records were to be transferred, sorted, listed and shelved.

In 1986 the Director learnt that an Organisation of American States (OAS) specialist had been carrying out short missions in several Caribbean territories. She requested, through the Ministries of Education and Foreign Affairs, that the OAS send the consultant to the Department of Archives for 1 month to advise the department on the Records Management Programme. Approval was granted for a visit of 2 weeks.

The consultant reviewed the Department of Archives' files, reports and regulations and held discussions with Archives' staff and selected government officials to determine the status and accomplishments of the Records Management Programme. He toured the Records Centre and reviewed the storage practices, accessioning procedures, and records and forms used in centre operations and assisted the Archive staff in locating additional records centre space to augment the present facility.

He suggested that two of the existing rooms at the Records Centre be shelved and existing shelving be re-adjusted to provide additional space. He assisted in revising procedures, records and forms used in Records Centre operations. Out of all this came the drafting of a memorandum to Permanent Secretaries and Heads of Departments outlining procedures for preparing government-wide records disposition schedules and lists and General Records Schedules for accounting and personnel

records. The Ministry of Education followed up on these recommendations and subsequently a Cabinet paper was drafted inviting Cabinet Ministers to agree to the relevant recommendations.

A finding aid in the form of *A User's Guide to the Records Centre* was prepared by the Department of Archives and printed by The Bahamas Printing Department in October, 1987. Copies of this guide were circulated throughout the Ministries and Departments.

In 1986, the Records Centre had a staff complement of four: one professional archivist/records manager, one clerk, one janitress and one security. In 1988, the staff complement was reduced to two when the clerk resigned in May and the security resigned in June. Efforts to replace the security were successful only for a short period of time, as he had to be laid off due to illness.

In March 1988, while it was fully operational, the Records Centre was broken into during a weekend period.

Repeated requests by the Director for additional staff members to replace those who had resigned were unsuccessful. By September 1988 a new extension to the Department of Archives, which was in a different location, was completed. The Director needed more assistance in administration. The supervisor of the Records Centre was transferred to the Department of Archives in September 1988 to assist the Director in administration. The janitress was also transferred to the Department of Archives.

The Director was faced with the following options:

1. To close the Records Centre
2. To keep it open with two (2) female members of staff
3. To operate the Records Centre on a part-time basis.

Status Report

In November 1988 the Director wrote to the Permanent Secretary, Ministry of Education requesting replacements for the staff members who had resigned. Also in November, after requests from many ministries and departments for the Records Centre to accept deposits, wrote to the Permanent Secretary to consider locating a large building to 'facilitate the storage of non-current records to ensure proper record keeping procedures for these records.' (PRO/7/9 dated 13 November 1989).

During 1989, a portion of the floor at the Records Centre had collapsed. The Structural Engineer recommended that a complete renewal of the suspended floor be carried out in order to use the room for storage. The Director communicated this to the Ministry of Education and began the process of having this situation corrected.

In January 1990, the Director was made aware of vacated schools that could be considered for storage. The Director wrote the Ministry of Education requesting space in these facilities but was notified that the schools in question were not available for use.

The Permanent Secretary also informed the Director that the Ministry of Education 'is not in a position to provide staff at the Moss Road Centre.' (EDU/B/892, dated 24 January, 1990). After many requests by the Director for staff and a particular memorandum requesting assistance subsequent to another break-in, the Ministry of Education informed her that they were unable to provide staff. They hoped that the assistance of the College of the Bahamas security might serve as a deterrent to future break-ins.

In June 1990, after a meeting with the Advisory Council on Public Records, wrote the Permanent Secretary, Ministry of Education and reminded them of the pressing need for an adequate Records Centre. She advised them of a vacant plot of land immediately south of the new extension, which can accommodate such a structure. During 1990 the collapsed floor of the Records Centre was re-built.

In January 1991, the Supervisor of the Records Centre wrote a position paper on the situation of the Records Centre to the Director. She pointed out that if staff could be procured, basic services like water, electricity and telephone be restored, then the Records Centre could be restored to an effective and efficient functioning arm of the Department of Archives within 6 months.

In February 1991 the Director requested the Ministry of Works to repair the leaking roof and paint the Records Centre. These were completed. She again requested staff through the deployment exercise of the Public Service. Utilities were restored.

Continuous reports of break-ins during 1991 to 1995 from an Assistant Archivist who checked on the facilities three times a week and a Security from the College of the Bahamas were followed by correspondence for action to the Ministry of Education.

At a meeting of the Advisory Council in December 1992 it was recommended that the Minister and Permanent Secretary of the Ministry of Education and Culture bring the situation of the Records Centre to the attention of the Prime Minister and the Cabinet. The Director drafted the position paper and forwarded it to the Ministry of Education.

In 1993 the Director met with Architects from the Ministry of Works to discuss preliminary designs for the construction of a records centre.

In May 1995 the records were relocated to two rooms in the Learning Resources Unit.

In February 1996, the Director wrote to the Permanent Secretary of the Ministry of Education and Training justifying the construction of a records centre.

In 1997 plans were completed for the construction of a new records centre at the cost of approximately US\$1,000,000. In the 1996/97 budget the government of the Bahamas provided US\$500,000 to begin the construction of the records centre.

No funds were allocated in the 1997/98 budget.

The government of the Bahamas provided US\$500,000 in the 1998/99 budget towards the construction of a new records centre.

Records Management - Building or Adapting a Records Centre Facility: The Case of The Bahamas Records Centre

Teaching Notes

Synopsis

In 1970 the first survey of records in government ministries and departments were completed and lecture courses were conducted by Archives staff for Administration and clerical staff at the Public Service Training Centre.

The Department Of Archives was given an existing building, which was previously used, as the residence for the Director of Public Works. The Department spent approximately US\$12,000 to renovate this facility and make it a viable records centre.

In 1986 an OAS specialist spent 2 weeks at the Records Centre. The department prepared a finding aid in the form of *A User's Guide to the Records Centre* and copies were circulated throughout the ministries and departments.

In 1986, the Records Centre had a staff complement of 4. In 1988 the staff numbered 2.

Repeated requests by the Director for additional staff members to replace those who had resigned were unsuccessful.

The Director was faced with the following options:

1. To close the Records Centre.
2. To keep it open with 2 female members of staff.
3. To operate the Records Centre on a part-time basis.

From 1988 to 1995 vandals continued to break into the Records Centre.

In May 1995 the records were relocated to two rooms in the Learning Resources Unit.

In 1997 plans were completed for the construction of a new records centre at a cost of approximately US\$1,000,000.

The 1996/1997 budget allocated US\$500,000 towards the construction of the record centre. The 1998/1999 budget allocated \$500,000 towards the construction of the record centre. In December 1998 tender documents were being prepared for the construction of the records centre.

Educational Objectives

This case focuses on technical and management issues, such as the selection of an appropriate facility for the record centre and the execution of the management functions of planning, staffing and controlling.

At the end of this exercise, students should have a clearer understanding of the following issues:

- The importance of a commitment of fiscal, physical and human resources. Topics to discuss include the opportunity cost of choosing a certain alternative from a set of related alternatives.
- The importance of planned management of resources. Topics of relevance include staffing, planning and controlling.
- Conforming to the requirements for specialised structures. Topics to discuss include the identification of proper buildings and the choice of location.
- The importance of proper communication. Topics to discuss include the process and content of the communication.
- The working of a bureaucracy. Topics to discuss include the management of an institution in a rigid and hierarchical structure.

Discussion Outline/Questions

1. The Department of Archives is faced with options. Should the Department have sought other options? Demonstrate; see the Prime Minister or Minister?
2. The Department was given an existing building, which was in an isolated area. Should it have waited and tried to obtain another building in a better location?
3. After the resignation of two members of staff and, after repeated requests for additional staff were not granted, should the Director have deployed existing Archives staff at the Records Centre? Remember that the Department of Archives had expanded and there were a limited number of qualified staff members. There was a growing demand for Research Room services by researchers.
4. When vandals and burglars began to break into the building, what were the options? Should the facility have been re-opened? Should the records have been moved?
5. How would you have resolved the issue?

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Managing Medical Records: A Case Study of the Kitendawili National Referral and Teaching Hospital

Henry N. Kemoni¹

Abstract

This case study examines the existing policies and practices for managing medical records at the Kitendawili National Referral and Teaching Hospital [KNRTH].

To collect data, the researcher used a structured open-ended interview schedule and undertook a physical survey and inspection of the hospital's central medical records unit. The medical records unit staff were co-operative while the researcher was conducting the study.

The study exposes a number of problems that hamper the management of medical records at the KNRTH. These are set out below:

- the layout of the central records unit does not cater for effective storage of medical records
- there are no storage equipment for medical case files and computer diskettes
- some staff involved in medical records management have no formal training
- medical records appraisal and disposition is not often carried out
- the medical records unit at the hospital has only one computer for compiling statistics, reports and databases despite the fact that the medical records unit has a compliment of 13 staff
- the Kitendawili National Archives (KNA) has no involvement in the management of the hospital's medical records.

In view of these problems, the study recommends the following measures:

- the establishment of a secondary storage area for inactive medical records

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Mr Kemoni spent five years (1988-1992) working as archivist with the Kenya National Archives and Documentation Service and rose to the position of Provincial Archivist in charge of records management activities, Rift Valley Province. He then joined Moi University as Graduate Assistant and rose to the position of Lecturer in 1996. Between 1996 and 1997, he was Acting Head of Department. Mr Kemoni has attended various local and international workshops and published articles in international archives and records management journals.

- the drawing up of a retention and disposition schedule
- the introduction of a format conversion programme based on microfilm technology
- active involvement of the Kitendawili National Archives in the management of medical records
- upgrading of the hospital's records automation project to cover other medical records functions such as creation, use and disposition.

Key Issues Raised by the Case Study

The case study which follows is developed from an actual hospital experience in managing medical records. The procedures and practices described in the study are specific to this hospital and may not necessarily apply to other hospitals in Kitendawili.

The study focuses on the following aspects of medical records namely: creation, classification, maintenance and storage, use, access, appraisal and disposition, information technology and training. The aim of undertaking this study is to make students appreciate the problems of managing medical records and how they can solve them in a typical work environment. The study is intended for use by medical records personnel, hospital administrators, record keeping professionals, policy makers and members of the public.

Learning Objectives

The Kitendawili National Referral and Teaching Hospital [KNRTH] medical records case study will enable students undertaking it to:

- understand procedures, practices and problems encountered in medical records management
- understand how to classify medical records
- be conversant with appraisal techniques of medical records
- appreciate the use of IT in managing medical records
- determine competencies required in the training of medical records personnel.

Learning Outcomes

On completion of the case study, students will be expected to:

- identify procedures and practices for managing medical records at the KNRTH
- demonstrate ability to classify medical records

- undertake practical exercises in appraisal of medical records
- use computers to compile medical statistics
- develop a model curriculum for training of medical records personnel

Background Information and Introduction

Hospital Profile

The Kitendawili National Referral and Teaching Hospital, was founded in the 1920's during the colonial times. Following the attainment of national independence in 1966, the hospital became a government institution under the Ministry of Health.

Although initially established to provide health care to residents of Mnazi District, the hospital expanded to become a major research, teaching and referral hospital for the Faculty of Health Sciences at Kitendawili University. It now serves as a teaching and referral hospital and offers in-patient and out-patient treatment as well as clinical teaching and research.

In 1996, a new, ultra modern facility to house both the Faculty of Health Sciences and the hospital was opened. It has a 353 bed capacity, a staff of 800 of whom 120 are medical professionals. It operates 11 full service medical units: maternity, psychiatry, paediatrics, surgery, pharmacy, occupational therapy, physiotherapy, dental unit, eye clinic, teaching faculty, laboratories and the hospital mortuary.

The overall objectives of the hospital are to:

- serve as a national referral hospital
- provide in-patient and out-patient medical services for the district
- decentralise public health services to the rural population through various dispensaries.

A medical officer of health, assisted by a medical superintendent, manages an establishment of four medical, nursing, administrative and para-medical staff.

In order to cope with the challenges demanded by its new national role, the hospital management is to be upgraded. The government has appointed a Director as its chief executive who will work closely with a board of Trustees to run the hospital. In addition, the hospital has introduced a cost-sharing regime; patients pay a modest fee towards their treatment, generating funds to be applied towards improving the hospital's services.

Methodology

The researcher administered a structured open-ended interview primarily to two medical records professionals, ie the Deputy Health Records and Information Officer and the Health Records Technician Grade 1. In addition, the Health Records and

Information Officer also received a copy of the questions and had the purpose of the study explained to him in advance as preparation for the interview day. However, on the scheduled day of the interview, the Health Records and Information Officer could not attend due to other urgent hospital duties.

The questions in the interview schedule (see Appendix 1) covered the following areas:

- medical records creation
- medical records classification
- medical records maintenance and use
- medical records appraisal and disposition
- use of information technology to manage health records
- staffing and training of medical records personnel
- policy for the regular management of hospital records.

To affirm and supplement information acquired through the interviews, the researcher conducted an inspection and survey of the central records unit room to observe first hand how the medical records are created, maintained and utilised.

Data Analysis and Presentation

Medical Records Creation

Medical record keeping processes begin when an out-patient reports to the hospital for treatment. Upon arrival patients are met and allocated casualty numbers (annual single number).

If the patient is then admitted to the hospital for treatment, a case file is opened and given a unique annual single number. For example, a typical case file might have a number such as 4048/98. Four thousand and forty-eight stands for the case file being the 4048th one opened that year, while 98 stands for the year of first attendance.

Medical records are created by Health Records Technicians in three organisational units: central records unit, out-patient and maternity units. The central records unit plays a supervisory role over the others.

A patient case file will normally contain the following information:

- registration form with a patients personal details such as name, address, age and marital status
- correspondence
- Kardex card containing nursing notes
- continuation sheet containing doctor's notes
- treatment sheet

- laboratory or examination results
- copy of the discharge summary.

The central records unit also creates other forms of registers which are used to schedule and document clinical activities in various hospital units. They include paediatrics out-patient consultant registers, and others. These are used mainly to book appointments with consultants.

Classification of Medical Records

Medical records are indexed to facilitate retrieval and compilation of data for statistical reports and research by Health Records Technicians. The terms used for indexing patient case files are derived from the standard codes of the *International Classification of Diseases (ICD-10)* Vol. 3 issued by the Geneva based World Health Organisation (WHO). A disease index card is maintained for listing all patients with particular diseases. It contains the following columns, namely title and diseases code number, age of patient, sex and occupation among others. Thus patients with particular diseases can be linked together for research and statistical purposes.

Coding and indexing is demanding as it requires technicians to be thoroughly conversant with medical terminology. The coding and indexing of external injuries, burns and surgery pose special challenges because there are no standard thesaurus of terms equivalent to the ones used in the International Classification of Diseases. In such cases, coding and indexing staff rely on terms written in by doctors.

Medical Records Maintenance

Case files containing loose notes are stored on the floor in the central records unit. There is no storage equipment such as filing cabinets and drawers. Many of the patient case files are dormant and are stored in bundles of one hundred each (100) on the floor in the central medical records room. When file covers are not available, needles which have been used on patients are sometimes used to hold related paper together. There is no room designated for the storage of inactive files. The result is:

- case files are dusty
- file covers are mostly damaged
- papers from the case files are frequently lost
- security for the records is inadequate
- access to the central records storage area is not restricted as the same room is also used as a working area.

Medical Records Use

The study has established that medical records are used by the following categories of people:

- patients who require appointments in the various consultant clinics

- doctors and nurses who may need them to refer to patients history and medical notes in case of readmission. They can also be used for teaching and research purposes
- medical students who require them for conducting research projects/class assignments and as reference material
- health records and information officers who use them to compile medical statistics to be sent to the Ministry of Health Headquarters.

Access Policy

The following actions are taken in the event that a doctor requests a patient case file:

- for medical reasons, the doctor sends a nurse to retrieve the file and has to sign for it in the tracer book
- for reasons other than medical, the doctor makes the request in writing. If the request is accepted, the Health Records Technicians enters the details in the tracer book and the doctor signs for it
- upon return of the file by the responsible nurse or doctor, the tracer book is updated and the file returned to storage.

It is the hospital's policy that patients are not allowed to collect their files themselves. However, it was noted that this does happen from time to time, although it is against hospital access policy.

The study has established that patients' files are sometimes lost. In such circumstances, a patients discharge summary sheet is used to open a temporary file. The hospital does not maintain annual statistics of lost patients' case files.

Appraisal and Disposition of Medical Records

Since medical records have legal implications, authority to dispose of them must be obtained from the Office of the Attorney General. Because Kitendawili has yet to establish a criteria for appraising and disposing of medical records, appraisal and disposition of medical records is irregular and haphazard. In fact the KNRTH hospital has never appraised or disposed of any records despite the medical records clerks having expressed the need to appraise and dispose of dormant files or have them transferred to a secondary storage area. However, a common practice has evolved of keeping case files for ten years upon discharge of the patient. Files dealing with diseases are kept for as long as possible to assist in cases where legal disputes may arise. Whereas it is generally accepted that medical case files need to be kept for a very long period, the absence of a formal policy results in the unnecessary storage of unwanted records. This situation exerts pressure on prime office accommodation since the hospital does not have a records centre or archives for the storage of inactive medical records. This stalemate has arisen partly because the Kitendawili National Archives staff has not conducted any survey of the hospital's records, nor has the hospital Health Records and Information Unit initiated any contacts with the national archives.

Use of Information Technology

The Health Records and Information Unit has one IBM personal computer which uses a variety of software packages for a variety of applications: Fox-Plus for database management, WordPerfect for word processing and Excel for spreadsheets.

The computer system is operated and managed by the Deputy Health Records and Information Officer and the Computer Analyst.

The computer is utilised for a number of applications:

- compiling of cases for morbidity and mortality statistics
- compiling a database for daily out-patient attendance
- preparing staff schedules on a weekly and monthly basis
- compiling a database on health surveillance.

Computer diskettes are used as a safeguard for data storage in case of computer failure, which often happens because of power fluctuations.

To access information on the computer, a password is used. This is restricted only to the Deputy Health Records and Information Officer and the computer analyst. The password system was introduced to prevent unauthorised people from accessing information stored in the computer. This was taken as a precaution after some problems were noticed. The computer has no printer and therefore it is difficult to access downloaded information. To print, information is saved on a diskette and printing is done at the medical superintendent's office. Storage equipment for computer diskettes is non-existent. This poses a serious risk for information security.

Medical Records Staffing and Training

The Health Records and Information Unit has a total of 13 staff members who fall in three main categories:

- two with diploma qualifications (HRIO)
- seven with certificate qualifications (HRT)
- four records clerks (untrained).

The discussion which follows focuses on the Health Records and Information Officers (HRIO) and the Health Records Technicians (HRT). It does not deal with untrained records clerks.

Health Records Technicians

The Health Records and Information Unit has seven HRT who were trained at the Medical Training Centre, Kitendawili. The Health Records Management Certificate course lasts for two years and students undertake courses in the following areas:

- anatomy
- pathology
- data classification

- medical records management
- statistics.

Upon graduation, they are employed and designated as health technicians Grade 3. The scheme of service provides for only 3 ranks:

- Health Records Technician Grade 3
- Health Records Technicians Grade 2
- Health Records Technicians Grade 1.

The duties of health records technicians include the following:

- coding and indexing of patient case files
- compilation of medical statistics
- issuing of clinical appointments
- editing of case files.

The scheme of service does not provide for advancement beyond the highest grade in the cadre. There is no prospect of moving to the next cadre - Health Records and Information Officer - without further education.

Health Records and Information Officers

There are two officers with diploma qualifications ie the Head and Deputy Head of the unit. They studied at the Medical Training School, Kitendawili. The diploma programme lasts for three years.

During the first year, students enrol for courses undertaken by Health Records Management certificate students. In the second year, they do courses in:

- epidemiology
- research methods
- demography
- records management
- psychology
- community health
- medical demography
- management studies.

Besides the above courses, students are normally required to undertake project work and computer training in the third year.

The scheme of service for Health Records and Information Officers provides for three cadres, namely Health Records and Information Officer Grades 3 to 1. Unlike the scheme for health records technicians, it is flexible and provides for upward mobility.

The major duties of these officers are:

- compilation of health statistics
- compilation of annual reports
- running and manning the computer
- supervision of health records clerks
- managing the health records and information unit.

Summary of the Main Findings

The main findings of the study are as follows:

- the central medical records unit is not specifically designed for record keeping work or for records storage. The layout is poor and unsuitable for both records storage and as an office for records personnel
- no equipment is provided for the storage of paper records or of information and records stored in computer diskettes
- security for medical records is inadequate and access to the records room is uncontrolled
- not all staff involved in the management of records are trained
- there is no career structure for HRT which provides for advancement beyond the highest grade in the cadre
- computerisation is limited to the generation of medical statistics, reports and compilation of databases
- there is no appraisal and disposition policy for medical records
- the hospital has no secondary storage area for inactive medical files

Lessons to Draw from the Kitendawili Experience

This study has a number of lessons which have wide application.

First, it depicts a lack of consistent procedures and practices and underscores the need for well-defined policies and guidelines to regulate the management of medical records. This sort of formal management framework is particularly important in ensuring:

- effective control over access to medical information
- accurate and timely appraisal and disposition of medical records
- regular transfer of inactive medical records to secondary storage to clear space for productive work activities.

Second, misplacement and occasional loss of medical records hampers or denies the citizens right of access to appropriate medical services and treatments. Bad record keeping means unreliable information for planning and provision of efficient health facilities and services.

Third, although computerised systems for managing certain aspects of medical record keeping and for the compilation of medical statistics have been introduced, no proper linkage has been established between them and the paper record keeping systems which are inadequately structured and managed.

Last but not least, although the mandate of the KNA covers all public sector records including medical records, its staff lack specialist skills in the management of medical records. The general curricula for training archivists and records managers must incorporate content conveying essential knowledge and skills for managing medical records.

Recommendations

Although the medical records and information unit has long appreciated and initiated procedures for managing medical records, it is necessary that these should be improved further to provide for effective management of medical records at the hospital. This study makes the following specific recommendations:

- 1 The Kitendawili National Archives should
 - (a) initiate contact with the hospital and work in partnership with it to improve the management of its medical records
 - (b) work with the medical community and senior managers at the institution to conduct a comprehensive survey to ascertain the state of medical record keeping and make recommendations towards establishing and managing an effective co-ordinated national medical record keeping infrastructure.
- 2 The KNRTH should empower the central records unit to undertake an operational effectiveness assessment with regard to the following outcomes:
 - (a) improved layout of the existing central records unit area to promote effective workflow and current records handling and storage as well as to provide suitable accommodation for staff
 - (b) suitable and secure intermediate storage for inactive patient case files.
- 3 Draw up, in consultation with stakeholders, a records retention and disposition schedule for medical records
- 4 Investigate the appropriateness of technology to improve record keeping effectiveness:
 - (a) computerisation to cover medical records creation, use, appraisal and disposition
 - (b) introduce microform technology for those records likely to be retained for a long time to assist in their disposal

- 5 Both the Kitendawili National Archives and the Kitendawili National Referral and Teaching Hospital should initiate work with health educators to:
 - (a) offer appropriate training in record keeping to hospital staff, especially those who have not received training
 - (b) provide refresher and advanced courses for all staff involved in managing medical records
 - (c) revise the scheme of service for HRT to provide linkages between cadres and avenues for further training to enable them to advance in their careers.

Study Questions or Exercises Based on the Case Study

- 1 Identify the key divisions which constitute the KNRTH and the nature of medical records likely to be created.
- 2 Identify some of the problems associated with the classification of medical records and state how you are likely to solve them.
- 3 Describe the various data elements that constitute a typical patient case file, showing the importance of each record.
- 4 Discuss the problems experienced by records staff in the maintenance and storage of medical records at the KNRTH and propose solutions to these problems.
- 5 From your analysis of the case study, identify some of the professional, policy and technical problems that hamper the effective management of medical records at the KNRTH and suggest possible solutions to these problems.

Group Discussion Questions

- 1 You have been asked to propose ways in which the KNA and the KNRTH could work together to develop a viable records management programme.
 - (a) Who should be involved in this exercise and why?
 - (b) What role should each stakeholder play and why?
 - (c) What problems and constraints will have to be overcome by the KNA in order to be actively involved in such an exercise?
- 2 What problems are you likely to face in developing a model retention schedule for medical records and how could you address them?
- 3 Training for medical records professionals:
 - (a) What should constitute a good training programme for medical records professionals?
 - (b) to what extent do the courses identified in the case study adequately cater for the training needs of medical records personnel in Kitendawili and why?

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Appendix 1

Interview questions with the officer in-charge of the medical records unit at the KNRTH

Name of respondent _____

Designation _____

Address _____

Tel. _____

Part 1- Medical Records Creation

- 1 How do you create medical records?
- 2 State the types of medical records that you create.
- 3 Apart from medical records, what other records do you create?

Part 2- Medical Records Classification and Use

- 4 How do you classify medical records?
- 5 (a) Do you experience any problems with the existing classification systems?
(b) If yes, indicate the problems.
- 6 Who are the main users of medical records?
- 7 Who has access or does not have access to medical records?
- 8 (a) Do you have any procedures for controlling the use of medical records?
(b) If yes, state them.

Part 3 - Medical Records Maintenance

- 9 Where do you keep medical records?

- 10 What type of storage equipment do you use for the storage of medical records?
- 11 What type of storage equipment do you use for medical records storage?
- 12 What problems do you currently experience in storing and maintaining medical records?
- 13 What measures do you have to ensure the control and security of records?

Part 4 - Medical Records Appraisal and Disposition

- 14 What criteria do you use to appraise medical records?
- 15 Do you have a retention schedule for medical records?
- 16 Do you have a records centre or archives?
- 17 Do you have any contacts with the KNA regarding the management of medical records?

Part 5 - Use of Information Technology

- 18 (a) Do you have any computerisation programme for medical records?
(b) If yes, how will it help the management of medical records?

Part 6 - Staffing and Training

- 19 What is the total no. of staff involved in managing medical records?
- 20 (a) How many have training in medical records management?
(b) Indicate the highest levels of training achieved.

Central Childrens' Hospital Merger and the Archives

Barbara L. Craig¹

Abstract

The merger of two hospitals distinguished by different traditions of service, different types of patient and distinct histories raises practical problems of governance, planning and operations. However important these are, they are part of a larger problem of integrating different traditions in service to build new and shared esprit. Managers are aware of the operational and ideological issues facing them and invite proposals from their staff to address needs by building for the future.

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Barbara has been Chair of the Ontario Council of Archives, an officer of the Association of Canadian Archivists in many capacities, a Director of the Ontario Women's History Network and chair of the Canadian Council of Archives Preservation Committee. She is the Reviews Editor for the *American Archivist* and an active participant in the growing Health Archives Information Group (HAIG) in Ontario. A Canada-wide health archives information network, with a website and a 1-800 service, is operated under her direction.

Barbara has undertaken research into hospital archives in Canada, the United States and the United Kingdom. She has published widely on the history of record keeping, on the history of medicine and medical archives and on archive theory. Most recently she was the editor for *Archivaria* number 42 which was largely devoted to medical archives. The second edition of her booklet *Medical Archives: What They Are and How to Keep Them* and a monograph *Archival Appraisal: Making Ethical Choices* will be published in 1999.

Introduction

In organisations experiencing change, especially those undergoing downsizing, managers must address many issues, not the least of which is the anxiety felt by staff and supporters of the organisation. What positive role can the records professional play in supporting transition, in providing services to units, in developing a key infrastructure for the new entity and in bridging the gap between the past, the future and the community? Is the record keeping professional a potential leader or only a careful follower? Does his/her role depend on a key placement in the official structure of an organisation? Or are the record keeping function and its service self-validating and independent?

To maximise benefits of undertaking the case study, students doing this case study should have a basic familiarity with major concepts of records management and archives services. A generalised knowledge of hospital operations is desirable but not necessary.

Objectives

By thinking records and archives ideas in an environment in which these are not often integrated as part of the management of the institution, learners will

- acquire skill in transferring concepts from one area to another
- develop facility in adjusting the language of benefits/costs to an environment where money is devoted to people and not to infrastructure or resource management
- apply record keeping perspectives and ideas in different functional areas, including health records, personnel management, information policy, and governance.

Case Narrative

Background Information

Central Children's Hospital (CCH) is a new corporate entity formed by the merger of two existing hospitals, each of which has a separate and distinct history and medical focus. The oldest, The Children's Hospital 'A' (CHA) began in 1890 as a voluntary charity providing residential care for children with chronic diseases. At the time of the merger, it has a capacity for 75 residents and operates several programmes for life enrichment, education and parent guidance and training. CHA moved to a new site and buildings three years before the merger. It has extensive property around the main core of buildings and plans to use its landed wealth to build endowment funds for the hospital. The residential nature of the hospital is emphasised in its design and by its stable and conservative management structure.

The Children's Hospital 'B' (CHB) was founded in 1950. It began as voluntary charity for treating acute conditions including polio, spina bifida, congenital diseases and birth defects, some the result of ante-natal drug therapy for the mother. It has a capacity of 50 in-patient beds. However, its programmes are extensive and embrace many clients and patients who reside in the community. These services include a day school (capacity of 200), a rehabilitation programme (capacity of 80), and a prosthetics design and manufacturing laboratory. The hospital also manages a short-term stay motel at its site and has facilities for parent relief. CHB is located in a large property endowment shared by a number of medical facilities, which are loosely associated. They share security and property services. Its physical plant is extensive comprising five (5) buildings and associated shops and sheds. CHB's main building has been recently renovated to upgrade its facilities for teaching, including wiring for networked computers, film and video production rooms, and therapy laboratories, workrooms and exercise space.

The comprehensive new legal entity of Central Children's Hospital was created as a result of health care rationalisation and restructuring. The two sites of the previous hospitals will house CCH operations for the foreseeable future; no purpose-built joint site is planned. However, services and systems will need to be merged and rationalised. Early planning forecasts a reduction in total residential beds, concentrating them on the CHA site, while converting the residential beds at the CHB site into temporary and short-term accommodation.

There are three areas in which integration will need to be accomplished. Human resource management including employee pay, benefit and pension administration will need to be rationalised, streamlined and united. Currently there are four unions accredited to represent employees, two at CHA and two at CHB. The same or substantially similar jobs at CHA and CHB are subject to different work arrangements in hours, duties and compensation. Financial accounting, including accounts payable and receivable, will need to be integrated. Each institution maintains a number of distinct accounts for money from charitable sources and each has a number of special requirements for reporting and accounting. CHA and CHB use the same firm of auditors.

The accounts in CHA have been recently converted to electronic form. Those of CHB are maintained manually in ledgers and cards. A major record keeping responsibility and information service is the patient record. CHA and CHB maintain records in hard copy as the final record of patient care and service. Recently, CHB introduced a Patient Information System (PIS) using networked computers donated by a supporter of the hospital. The laboratory, pharmacy, imaging/x-ray, nursing service and prosthetics design unit participate in the PIS which is accessible throughout the hospital on a password basis.

The integration of patient services and administrative systems across the sites is a priority for the newly appointed chief executive officer. A Transition Team, the TT, recently established by the new board in consultation with the chief of each hospital, has identified four key areas, which will need to be tackled in the merger:

- a consolidated system for asset control
- an integrated patient records system in paper and microfilm

- the development of a logical and sustainable technology plan
- an active programme of training to promote shared purposes and goals.

The Case Problem

Governance

CCH will be governed by a board whose members will be appointed by the State Hospital Authority from nominees proposed by the members of the current board. This community-based method of governance also operates at CHA and CHB. Service on the board is voluntary and unpaid. The new board of CCH, which was recently announced, includes members nominated from the former voluntary chronic care hospital, CHA, which was operated as a charity by women, and from the former acute care hospital, CHB, which was owned and operated by a charitable organisation whose members were restricted to men. The new board is anxious to get the personnel and organisational structures of the new hospital amalgamated quickly but is concerned that damage may be done, to morale, to quality services and to community support by merging departments and services which have no history of working together.

Volunteer Component

Although health care is funded by the state, voluntarism is encouraged. Hospitals could not operate without the services of their auxiliaries, supporters, volunteers and donors. The voluntary tradition is strong and the needs continue: hospitals are, as a consequence, keenly aware of their place in communities and their ties to them. CHA and CHB had strong ties into the voluntary sector, and the new entity is concerned that these long-time allies be converted to equally active supporters of CCH.

Record Keeping

The state places few mandatory controls on the structure of hospitals, on their operations or on the management of records making and keeping. Hospitals develop their systems according to their own likes and needs, with the exception of records about patients in care or clients receiving services. All clinical records are carefully controlled by statute and regulation in form, content, access, and use. Disposition is not specified and the hospital may or may not destroy their records after the expiration of statutory requirements. No other records are subject to special regulatory provisions beyond those in place for the guidance of all corporations in keeping minutes and in recording their financial obligations. A central hospital association has developed guidelines for record keeping incorporating precepts from the literature on records management but compliance with these are voluntary.

The Archival Component

CHA established an archive as part of its centennial celebrations. The archivist, a part-time employee with previous experience in the hospital as director of clinical records, operates under a mandate from the CHA board to identify and care for the CHA historical material. He has acquired much of the forgotten historical documents stored in CHA. He has also developed an active acquisition plan for bringing in related materials held by the families of prominent individuals who served on the hospital board. The archivist has a mandate from the board to identify and care for the historical records of value to CHA. The archivist has worked closely with the medical director and medical records librarian to develop ways to provide controlled access to old clinical records for special research projects.

At the time of the centennial celebrations, one-time-only (OTO) funds were provided to deacidify the minutes and rebind them, to film vital records and to copy the historical photographs and plans of the hospital in all of its previous sites. These have been digitised onto CD-ROM and are searchable by a personal computer. The archivist has upgraded his education, taking courses offered by the archival association, and has joined local branches of the archives and records societies. There is no archival perspective in place at CHB. However, as no material has knowingly been destroyed, it is assumed that most of the records are still on site in the many outbuildings that are also used for storing furniture and equipment.

Predecessor Entities, their Operations and Documentation

Over time, CHA and CHB developed different structures for administration and for client services. They share little beyond their common focus on children.

CHA

CHA's structure is traditional. A superintendent of the hospital acts as the chief executive officer (CEO) of the board and is an ex-officio member of it. The current superintendent is a professional hospital administrator with many years of service. She is going to retire before the merger takes place. Client services are oriented to medical practice. The chief medical officer is also a member of the hospital board. The medical staff comprise visiting consultants and two junior resident physicians. The bulk of the permanent employees in patient service are specialised nurses, teachers, psychologists and therapists.

A small clinical records department is responsible for managing the residents' files - the files have been kept in a unit system since 1940 and are largely static because the population is residential. The medical records director and two part-time staff book appointments and control registration. The department handles all typing for the files and coding of records. As a service to the visiting staff of consultants, many of whom have active research programmes in the area of childhood problems, the staff has developed a unique system of cross reference internal to the files. A key responsibility of the medical records staff is coordinating continuing reference to the files once the resident has moved on to an adult facility. Files are viewed as a long-term asset for research and they have been filmed for added protection and to reduce bulk.

CHB

CHB follows a team model for delivering its services. The executive director coordinates leaders of discipline teams and is the administrative head of the central division of support services. This unit undertakes all common functions for the hospital including personnel administration, payroll management, physical plant and records management. The latter unit includes only the clinical and educational records of the hospital. The files for each patient, whether a resident, a school pupil, or a temporary client for some special service, have been kept in a unit file system since 1975. Earlier records exist in separate systems according to service or department. The records manager ensures consistency in documents, provides typing and copying services and abstracts information for insurance and other purposes. The unit also handles booking, residential accommodation for temporary periods and registration for services. CHB also sees its records of client services as permanent. However, they have not had the time to revisit the management of the pre-1975 residue. The new PIS has been active for about six months: it has not been evaluated yet for its effectiveness, use, and potential for the future.

The New Merged Entity: CCH

The merger of CHA and CHB into one corporate entity was announced in August. The new entity, CCH, will be legally operational on the following January 1. Existing sites and buildings will be kept. However, the structure of CCH will differ from either of its predecessors. CCH will have a board as the authority for governance of the hospital, continuing the tradition of voluntarism which both share. The chief administrator will be a member of the board with the title of president. The person appointed to the new position is the current chief executive officer of CHB. Vice-presidents will head divisions of personnel, finance, operations support and technology. A director of professional services will oversee the clinical and education departments. Each of these sections will have administrative heads. At the present time the arrangement of service into fluid discipline teams is not being considered. It may be introduced selectively, later, when the new entity is operating smoothly. The new structure for CCH has been developed on paper, job descriptions have been prepared and personnel are being interviewed to fill the new positions.

One of the first actions of the new board and president was to appoint a Transition Team (TT) comprising key personnel from the two existing hospitals and the new board. Its task is to coordinate the merger and integrate services. The TT does not expect that there will be any significant reduction in the actual number of staff in the new configuration. This fact has been communicated to all staff. The demographics of employment indicate the attrition by retirement may reduce the complement naturally. However, the TT is aware that the different traditions of management and different focus on their patient population may inhibit the emergence of a new shared tradition. These attitudes and mindsets comprise obstacles that are barriers and influential on staff.

The Current Situation and Its Challenges

The TT has a fund to support initiatives that will assist the integration of people and services. In August the TT issued a Request for Proposals (RFP) inviting the staff of either hospital to initiate special integration-oriented projects. The RFP asked for an explicit definition of the project - what it would do, who would do it and how long it would take - and required applicants to list details of the project's expected products, costs and benefits. A deadline of September 15 was set for receiving proposals. The TT immediately established a weekly newsletter to inform staff of proceedings. A new corporate logo was approved in early August to identify all transition documents and communications, including letters, posters and memoranda. The TT also adopted the motto 'Care in the Community' to be part of CCH official communications and to identify promotion spots on radio programmes and for other voice communications, such as the automated telephone information system. The device of allowing projects to come from within proved to be an astute move by the TT. By September 15 the TT had received several proposals addressing areas of integration.

The Archival Function of CCH

The archives was considered a simple matter to settle. One of the first acts of the new board was to appoint the existing archivist to a new position as archivist for the new corporation. The position would be part-time and the archivist would report to the new vice-president of operations support. A mandate for the archives, using the wording of the existing mandate for CHA, was passed by the board at one of its first meetings. It assigns the archivist responsibility for the identification and care of the permanent records of the new hospital. The archivist's small budget for equipment and supplies was also entered as a line item for the new corporate entity. The new CCH archives was assigned space next to the clinical records department at the site of CHB, the predecessor hospital which did not have an archives or a programme for managing records officially. The archives and the archivist moved from the site of CHA to CHB in early September.

The archivist perceived an opportunity in the transition process. The nature of that opportunity became clear when the decision was made to move the archives to the site of CHB. Alert to the possibility for a change in the role and responsibilities of the archives and mindful that there were to be, on offer, considerable OTO resources to support this change, the archivist acted. He saw the priority areas of interest identified by the TT to be an open door inviting proposals for corporate records and information services. He further realised that the merger posited an unprecedented opportunity to advance the idea of record keeping standards across the new corporation, to establish the credibility of records professionals, and to promote the value of the archives as a source for information. The archives already had a strong ally in the clinical records departments. The archivist was especially interested in expanding these relationships and building a new corporate esprit. Addressing the wider issue of record keeping was one way to achieve all goals seamlessly.

The archivist's proposal to the TT directly addressed their areas of concern and spoke to the needs of the corporation as a whole. His plan matched their agenda with recorded information proposals.

Scenario

For this case study, imagine that you are the archivist for this new amalgamated organisation. As the archivist, your task is to seek partners in the hospital to work with you in developing a strong proposal. You will need to establish a vision of what you want to achieve, focusing on the contribution that records professionals, generally, can bring to the new institution and specifically to meeting the goals of the TT. You will need to identify constraints and opportunities you see. You will need to prepare a proposal that is workable, supported by clear evidence of planning. You will need to identify your products in terms of documents, accomplishments for the hospital and their potential for further development in the future. You will need to assess the situation to identify structures and/or programmes which may either be strong bases for you or critical areas in which your contribution will build for the future and be seen to do so.

Appendix 1: Original Mandate for Archives

Central Childrens Hospital

‘Care in the community’

Archives policy:

CCH/01/12

Subject:

ARCHIVES

Issued:

199-/01/10

Supersedes:

Policy:

CCH archives collects, preserves and makes available records pertinent to the functions of the institution

Rationale:

Records are required for their value in administration, the law, finance and history.

By arranging and preserving records, the hospital intends to leave a legacy to future generations as to WHY the hospital was formed, WHAT its priorities were, WHO wielded major influence, HOW the hospital expanded, HOW it adapted to changing times, HOW the institution views itself.

Appendix 2: Request for Proposal (RFP) Form

Transition Team Request for Proposal

Total Cost:

(Include supplies, OTO personnel costs and cost of time for existing staff)

Project summary: 1 paragraph

Project deliverables: (list)

Project time frame:

Resources requested:

Item:

Rationale:

Cost:

(repeat as necessary)

Note to applicants:

The Transition Team is looking for innovative but workable proposals. These should address one or more of the needs of the new hospital. We encourage projects that build teams from different units and contribute to the accomplishment of one or more of the hospital's tasks in the merger. A successful proposal will reflect the hospital's mission of service to the community. Serious consideration will be given to well-defined projects that demonstrate thought and planning.

Teaching Notes

Synopsis

Brief Overview of the Case

The merger of two hospitals into one downsized corporate entity was the opportunity for the archivist to advance the benefits of a corporate perspective on records making and keeping across the new hospital and its sites. The key lessons are: the importance of individual initiative; the role of up-to-date professional knowledge; the importance of sensitivity to the concerns of senior managers; the continuing use of the centre for records as a hook to convert departments to record keeping values; and building on achievements to advance specific goals for record keeping and using these to embrace and further the general goals of the hospital.

Educational Objectives

Objective and Learning Points

The case study and the exercise that follows should highlight the potential key role of a records professional, especially an archivist, to contribute positively to the merger of distinct units into one new corporate and clinical entity by establishing systematic procedures for a records. Depending on the level of knowledge of the group doing the case study, these contributions can be basic - a full inventory of records supplemented by schedules and controlled storage for dormant records - or advanced as in the design of systems for inventory and asset control and for electronic record keeping. The case also highlights the potential of the records professional, especially an archivist, as an advocate for shared pride in accomplishments. It can underscore the contribution of records professional to re-engineering, as advisor and mentor on record keeping matters (no statutory authority), as architect of shared identity, and as advocate for the virtues of accountability in community relations. It can be used to demonstrate how a marginal unit can move to a central role if the professional is alive to the opportunity of a situation. Nothing is expected beyond the normal skills and knowledge of a records professional. But getting these perspectives integrated into an organisation with no history of services for records, other than clinical records, can be a very difficult sell.

The appendices show achievements from a real case and may be introduced by the instructor when appropriate. The archives mandate is simple. The second mandate, the 'Archives and Information Management Policy', reflects the changed role of the archivist/records manager following considerable work in the hospital. It gives a sense of the increased responsibilities of the office were added after the merger and accomplished as a result of the projects undertaking in the transition phase.

Discussion Outline/Question Set

This case permits the student to focus on the services that record professionals can provide in supporting a variety of institutional needs. The best way to do this is to have the class prepare the project proposal for the TT, identifying areas in which the records professional can participate and developing arguments to support the importance of record issues to the hospital. The plan prepared by the 'real life' archivist in this case is just one of what could possibly be many different proposals. The 'real' plan is not advanced as a model of completeness nor does it exhaust all possibilities. For this reason I have not included it in the case. However, many of the questions below allow aspects of that 'real' plan to emerge.

Before beginning to develop the proposal, it is useful to involve the class in talking about the constraints of the situation. These are perhaps the easiest for novice students to identify. After all, it is not common to find archives in hospitals or to find a corporate view of records and information across services, departments and responsibilities. The teacher can be the facilitator, or a student can undertake this job allowing the teacher to be a coach for the group.

- a. What are the constraints of this situation for a part-time archivist in one hospital?
- Under resourced and therefore may be unable to take advantage of a situation.
 - Only seen as relevant to one of the institutions in the merger.
 - Not seen as a player in the management of daily operations.
 - Association with history not seen as relevant to needs.
 - Poor understanding of records issues and values among managers generally.
 - Spotlight on clinical records overshadows others.

Other questions could be asked by the teacher including some related to the impact of using untrained personnel in records work and the implications this has for patients, the community and for archives and records management associations.

The next area to address are the threats to records generally and the archives specifically when organisations are downsized and merged. Although the threats in this actual case were only potential, it is wise to look at these now. Moreover, you can expand this to embrace record keeping in general.

- b. What is the threat to the archivist in this situation?
- Possible further marginalisation as urgency of situation may make archives concerns even more marginal.
 - Outsourcing of archives and loss of position.
 - Possible liability from no profile or experience in CHB.
 - Records issues submerged in concerns (legitimate though these are) for people and jobs.

- Record issues can also be overshadowed by the spotlight that available money inevitably casts on technologies. Possible investment in technology before the record making and keeping systems are ready for the transition.
- Problem of uniting disparate issues under the rubric of records or recorded information.

The next area to address with the class is a scan of the environment especially to identify the natural opponents and supporters of records and archives. This list can help the student see that there are some potential supporters in a variety of areas in the organisation.

c. Who are the natural allies/enemies?

- CHB not a natural ally and must be converted.
- Other units may vie for transition money and are therefore competitors.
- Departments with poor track records of managing their records may see the archivist's proposal as unnecessary - argument for the status quo from tradition. Important to recognise the implicit criticism that the proposal may carry with it.
- Possible allies in patient services - need to address their needs for storage, security and control.
- Board members, possibly others from CHA, may already see archives as continuing identity and memory. They may be more easily convinced of the need to move the process of managing records further upstream to the active stages.
- TT may be converted to be allies if the plan speaks directly to their needs.
- Modest plan may bring large returns.

The final part of the lesson would be to have the class develop their proposal for the OTO funding from the transition team. The best way to get them into this is to start off having them identify the elements that would be part of the proposal. If the class is advanced, you might even get them to divide into teams, do the plan, and then present their proposal to the class. Presentation skills could be further developed in this exercise. For novice learners, it is better that the teacher takes the lead in this exercise. A form (in appendix) could be used to arrange the proposal as it develops in class. It contains heads for the priority areas in the TT's RFP. Ideas can be arranged under these as they are seen to be pertinent by the class.

d. What elements would be part of your proposal to the TT? What would be the product? What would be the benefit?

- Asset and space control through inventory.
- Legacy management to minimise risks from loss in transition.
- Remove problem from many units and make concern of one.
- Outcomes conform to recommended institutional standard - possible leadership role.

- Reduce claim on space for materials by cutting duplication and controlling dormant records for reference.
- Focusing the legacy of CHA and CHB in the archives. Building a record of shared experience in the new CCH.
- Integrating the operation of the hospital with the management of records and with the archives.
- Schedules to cross departments by function - benefit, schedules are rendered immune to the impact of administrative change. Proposal builds controls for the future.
- The Weekly Report to carry profiles of the departments, staff, and histories of the units.
- Website management on behalf of the corporation. Ensure control of content and of archiving.
- Develop records classification and control systems independent of technology - make transition smooth and contribute to the effectiveness of new technologies.
- The establishment of a central, controlled centre for dormant records from the predecessor hospitals.

In the 'real' case the archivist also proposed that the archives be integrated with the new corporate website and that money be assigned to permit the digitisation of the photographic archives of hospital CHA and CHB. These would be accessible. He also proposed a training programme for staff in the traditions of service and excellence of the hospital, and on the system for managing records creation and disposal. His budget asked for OTO funds for assistants (2) for 6 months. He also proposed that his budget line be increased to full-time service. The products he identified were consolidated schedules by function, record centre space, a complete inventory, and a training programme under the logo of the new corporation.

Appendix 5: New Archives and Information Mandate

DRAFT

CCH

‘Care in the Community’

SUBJECT/TITLE: ARCHIVES AND INFORMATION MANAGEMENT	POLICY NUMBER:	PAGE: Page 17 of 159
RESPONSIBILITY FOR REVIEW: Archives and Information Management	DATE ISSUED:	DATE REVISED:
APPROVED BY: Access, Security and Confidentiality Committee Regional Information Management Steering Committee		DATE REVIEWED:
RELATED POLICIES: Records Destruction Transitory Records		

I DEFINITIONS

Archival record: record identified as complete, reliable, and authentic documents of the nature and development of the health system in and area and preserved for its enduring documentary value; archival records are identified in a records retention schedule or as part of the process of archival appraisal.

Archives:

7. The whole of the archival records of an identifiable person, organisation, or function.

8. The function, programme, facility or organisation responsible for maintaining custody of archival records under conditions which ensure their continuing preservation.

Active record: record required for the day-to-day functioning of an agency or office and referred to frequently; active records are kept and maintained in space or equipment close to users.

Inactive record: record, not designated an archival record, for which active and semi-active retention periods have lapsed and which may therefore be destroyed.

Information Management: activities and functions for creating, keeping, and using complete, accurate, and reliable records effectively.

SUBJECT/TITLE: ARCHIVES AND INFORMATION MANAGEMENT	POLICY NUMBER:	PAGE: Page 2 of 5
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Record: documents containing data or information of any kind and in any form or medium, created, received and maintained by an organisation or person in the transaction of business and kept as evidence in support of such activity; does not include computer software or any mechanisms that produce records.

Records classification: the process of organising records within a consistent system designed to ensure that the records are effectively preserved and retrieved when needed.

Records retention policy: a regional policy document listing and establishing periods for retaining records onsite, offsite, and for establishing final disposition.

Records retention schedule: a register of specific records or records units generated by a Department designating how long and where they will be maintained and documenting all transfers and destruction of records, in accordance with common records retention policy.

Regional portfolios: all functions, sites, agencies, staff, or officials organised under a chief regional officer.

Semi-active record: record required to be retained for an established time but referred to infrequently and stored in low-cost, off-site records storage space.

Transitory record: record of very short-term use and significance and are not part of an organisation's record keeping system. They include copies or duplicates of records and information, relate to routine and typically short-term transactions, or contain little or no valid evidence of business transaction.

Vital records: records essential to the continued functioning of an organisation during and after an emergency, documenting the essential rights and interests of the organisation, employees, clients, and the public.

II RATIONALE

This policy establishes overall policy, authorities, roles, and responsibilities for a region-wide archives and information management programme. The goals of this programme are:

1. To develop and enhance CCH records and archives as an integrated regional information resource supporting effective delivery of health services, corporate accountability, legal status and rights, policy and planning, medical and scientific research, and historical documentation and research;
2. To create and maintain records systems which support freedom of information and protection of privacy within CCH in compliance with legislation;
3. To promote and facilitate efficient and cost effective creation, disposition, retrieval, storage, and preservation of CCH records and archives.

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III POLICY

All records, in all formats, created and received by CCH officials and employees in the course of their duties and functions on behalf of CCH are property of CCH and are subject to this policy.

1. All CCH employees, officials, and contractors properly document transactions by creating and maintaining the integrity of records that meet documentation standards of completeness, accuracy, reliability, and authenticity.
2. Employees leaving CCH or changing positions within CCH leave all records generated as part of their former responsibilities for their successors.
3. The CCH develops and maintains policies for the retention and destruction of records based on the legal, administrative, operational, financial, and research needs through the development and maintenance of appropriate records retention schedules, procedures and systems.
4. No records of CCH are destroyed without authorisation by an approved records retention schedule or in accordance with regional transitory records policy.
5. Archival records are transferred to the custody of the CCH Archives following records retention policy and approved records retention schedules.
6. The CCH provides services to coordinate and assist Departments in implementing an information management programme, including records classification, records retention scheduling, semi-active records storage and retrieval, vital records programmes, and archives preservation.
7. All CCH records are transmitted, maintained, transferred, or destroyed in secure conditions and following procedures, which protect the confidentiality of personal or third-party information in compliance with the *Freedom of Information and Protection of Privacy Act* and other relevant legislation.

IV PROCESS

1 Archives and Information Management (AIM)

- a) Archives and Information Management (AIM) serves as a regional administrative support function to coordinate and facilitate information management throughout the CCH. Trained and experienced archivists and records managers staff AIM. The responsibilities of AIM include:
 - i) developing information management policies, guidelines, procedures, and standards
 - ii) conducting research and developing proposals on archives and information management legislation relating to CCH

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- iii) developing and maintaining a records retention policy for the CCH
 - iv) developing and maintaining a comprehensive registry of all records retention schedules and records and archives inventories developed and submitted by Departments
 - v) providing advisory, interpretive, and training support to Departments and Information and Privacy Advisors in implementing effective information management
 - vi) reviewing and evaluating Departments for compliance with the archives and information management programme
 - vii) providing and coordinating a service for secure and cost-effective storage and disposition of semi-active and inactive records
 - viii) developing and maintaining a facility and service for appraisal, disposition, preservation, and access to archival records of CCH
 - ix) acquiring, preserving, and providing access to archival records of non-CCH organisations and persons related to the history of health care in the
 - x) promoting awareness and appreciation of the history of health care in the region.
- b) The Records Management Co-ordinator is responsible for the overall operation of the Archives and Information Management function. The Records Management Coordinator approves records retention schedules submitted by Departments.

2 Departments

- a) Each Department is responsible for implementing and maintaining a comprehensive information management programme within the following regional policies, procedures, and standards, including:
- i) developing and maintaining an implementation plan for information management within the Department
 - ii) developing and reviewing records retention schedules for approval by the CCH Records Management Coordinator
 - iii) co-ordinating transfer or destruction of records according approved records retention schedules and ensuring that records are transferred or destroyed on a regular basis
 - iv) implementing an effective records classification system for all administrative and operational records within the Department
 - v) implementing a vital records programme and disaster plan for the Departments in concert with other departments

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- vi) ensuring that adequate resources are made available to implement the information management programme for the Department, including professional information management service contracts and personnel.
- c) Each Department or group of Departments (as approved) appoints Information and Privacy Advisors who serve as a liaison with Archives and Information Management on the implementation, status, and performance of the information management programme within the Department(s) , including:
 - i) ensuring that Department(s) information management conforms with policy;
 - ii) reporting on the status and effectiveness of the information management programme within the Department(s) to Archives and Information Management.

3 Access, Security, and Confidentiality Committee (ASCC)

The Access, Security, and Confidentiality Committee (ASC) provides broad input and a final authority for implementing the information management programme at CCH. The Access, Security and Confidentiality Committee:

- a) reviews and approves common records retention records policy as submitted by Archives and Information Management;
- b) reviews and provides consultation regarding Archives and Information Management policy, procedures and directives.

4 Information and Privacy Coordinator

The Information and Privacy Coordinator regularly consults with and advises the Records Management Co-ordinator to ensure:

- a) information management meets retention, preservation, retrieval, and description standards required by the *Freedom of information and Protection of Privacy Act*;
- b) co-ordination of duties and responsibilities of the Information and Privacy Advisors.

Appendix 6: Records Retention Schedule: Procedures

CCH Records Retention Schedule Procedures 'Care in the community'

Archives and Information Management

Purpose

The purpose of CCH Records Retention Schedule process is twofold: to ensure accountability for the maintenance and destruction of CCH records and to identify and maintain CCH records efficiently throughout their life cycle of activity.

Process

The process for sending records to semi-active storage, **CCH Archives** or destruction starts with your functional area preparing your records for transfer, filling out the forms supporting the transfer, and acquiring approval from **AIM** for the movement of your records. Once you have received approvals you can continue the process as **AIM** directs.

Step One: Account Setup

If your office needs semi-active records storage services, ensure that you have set up an account for these service through **AIM** by using the attached **Account Setup**. As part of the account setup, complete a standing purchase order to cover annual service costs using the attached service fee schedule. Complete the form and return it to **AIM**.

Step Two: Series Register

The attached **Series Register** form describes your records and assigns retention periods according to established policy. Once completed for the records described, the **Series Register** can be used for all future transfers or destruction of the records.

Divide your records into record series. A series is a grouping of records according to type or function (e.g., patient files, purchase orders, correspondence files). List and describe the series using the table categories in the form. This form must accompany the **Semi Active Storage Transfer Order**, the **Archives Transfer Order** or the **Records Destruction Order**.

Step Three: Transfer or Destruction Orders

Following the policy in the Series Register, use the **Semi-Active Transfer Order** to authorise transfer to semi-active storage, the **Destruction Order** to authorise

destruction of records, or *Archives Transfer Order* to authorise transfer to CCH Archives. For each form, complete Section I, attach applicable *Series Register* and forward for approval to **CCH Archives and Information Management (AIM)**.

Step Four:

Upon notification of approval of the form, obtain *Records Transmittal Forms* (obtained from the storage contractor) and arrange for transfer of records to contractor facility.

Step Five:

For your future reference, retain copies of documentation supporting the transfer or destruction orders.

AIM recommends you review all forms prior to commencing the transfer or destruction orders. You may require clarification or explanation regarding the various steps involved. Please contact **Archives and Information Management** when questions arise or if you have suggestions for improving the process.

Appendix 7a: Example of Functional Series Register

CCH

‘Care in the Community’

Archives and Information Management

Records Retention Schedule

Series Register

		Regional Portfolio Name		Division / Section Unit / Programme (Office of Record)				Series Register #	
		Acute Care		Clinical Neurophysiology - FMC				99-11	
Item #	Series Title and Description	Media	Dates	RRG	Closure	Active	SA	Disposition	PIB
	EEG Recordings	paper	-	21100	Report Completed	5	5	Retain 2 years past age of majority, then destroy	Yes
2.	EMG Recordings	paper	-	21100	Report Completed	5	5	Retain 2 years past age of majority, then destroy	Yes

<p>Office of Record Manager Or Designate Authorisation</p> <p>Name: Signature: Date:</p>	<p>AIM Authorisation</p> <p>Name: Signature: Date:</p>
---	---

Item No: The number given to each series (item) as listed on this series register (1, 2, 3)

Series Title and Description: Descriptive title of records series and content or function

Summary: A records series is a series of files, documents, or data grouped together as part of common function, format, or organisation system (e.g., patient/client case files, unit administrative files, research project database, EEGs) with the same records retention policy.

Media: Media format type (e.g., paper, photographs, digital, microform)

Dates: Start date of series. If series is closed, provide inclusive dates, e.g. 1985-1990

RRG: Assigned number from CCH Records Retention Guide

Closure: The time when the file is closed for immediate use and the retention schedule is triggered. FY=fiscal year end, CY=calendar year end, SO =superseded or obsolete.

Active=Active retention in office in years

SA=Semi-Active retention in off-site storage in years

Disposition: Final disposition options: D=Destroy, A=CRHA Archives full retention, SR=Selective Retention

Contact Information – name and communication numbers for the person coordinating this process at the office of record.

Location Particulars – indicate where the records are situated.

Series Register # - a unique number assigned to the schedule by AIM.

Item Numbers – the range of numbers listed on the attached *Records Retention Schedule Series Register*.

Estimated Volume – if the records are already boxed, provide the number. Estimate shelf and cabinet space in linear feet.

Proposed Transfer Date – the date these records will be boxed and labelled for transfer.

Office of Record Authorisation – name and signature of manager or designate.

AIM Authorisation – Records Management Coordinator or designate.

Complete Section I, attach Series Register, and submit to AIM for approval. Upon receipt of approval, complete all records transmission lists required by storage contractor and arrange for transfer.

If you require help completing this form please contact Archives and Information Management

Appendix 8a: Example of a Functional Series Register

Central Children’s Hospital

‘Care in the Community’

Archives and Information Management

Records Retention Schedule

Series Register

Department Name Acute Care	Division / Section Unit / Programme (Office of Record) Medical Ambulatory Care Services	<ul style="list-style-type: none"> • Series Register # • 99-20
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Page ___ of ___

Item	Series Title and Description	Media	Dates	RRG	Closure	Active	SA	Disposition	PIB
1.	Management Files <i>Includes Annual Reports</i>	Paper	1991	12100/10	Fiscal year end	2	0	Archives	
2.	Business Plans	Paper	1991-	12710	Superseded or obsolete	2	0	Archives	
3.	Programme Files <i>Includes management , coordination, and assessment of clinics</i>	Paper	1991-	12100	Calendar year end	1	5	Selective Retention	
4.	Committee Files	Paper	1991-	12010	Calendar year end	5	0	Archives	
5.	Monthly and Quarterly Reports	Paper	1991-	12010	Fiscal Year End	3	0	Destroy	

Office of Record Manager Or Designate Authorisation Name: _____ Signature: _____ Date: _____	AIM Authorisation Name: _____ Signature: _____ Date: _____
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Item No: The number given to each series (item) as listed on this series register (1, 2, 3)
Series Title and Description: Descriptive title of records series and content or function summary. A records series is a series of files, documents, or data grouped together as part of common function, format, or organisation system (e.g., patient/client case files, unit administrative files, research project database, EEGs) with the same records retention policy.
Media: Media format type (e.g., paper, photographs, digital, microform)
Dates: Start date of series. If series is closed, provide inclusive dates, e.g. 1985-1990
RRG: Assigned number from CCH Records Retention Guide.
 [AIM SR 7/17/01]

Closure: The time when the file is closed for immediate use and the retention schedule is triggered. FY=fiscal year end, CY=calendar year end, SO =superseded or obsolete.
Active=Active retention in office in years
SA=Semi-Active retention in off-site storage in years
Disposition: Final disposition options: D=Destroy, A=CCH Archives full retention, SR=Selective Retention by CCH Archives, R=Review
PIB: *Contains personal information and is therefore a Personal Information Bank*

Appendix 8b: Example of Archives Transfer Order

Central Children’s Hospital

Records Retention Schedule

‘Care in the Community’

Archives Transfer Order

Archives and Information Management

AIM ID # AC114

Office of Record Information

Regional Portfolio Name Acute Care	Division / Section Unit / Programme Medical Ambulatory Clinic	
Contact Person Black, C. Brooke	Phone # 222-2222	Fax # 222-2223
Location Site: _____ Floor : _____ Room: _____		

Transfer to Archives – attach applicable Series Register or File Lists

Series Register # (if known)	Item Numbers	Volume	Proposed Transfer Date
99-20	1, 2, 4	Containers: ____10__ boxes Shelf / Cabinet space: _____ linear feet.	____/____/____
Office of Record Authorisation			
Name (print): [Doe, John }		Signature: _____	Date: ____/____/____
AIM Authorisation			
Name (print): [archivist/designate]		Signature: _____	Date: ____/____/____

Section II

Archival Accessioning (AIM use only)

This certifies that the records identified above were accessioned into CCH Archives

Accession Number(s)	Date Accessioned ____/____/____	Archivist (signature)
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Office of Record – the office or unit directly responsible for creating and maintaining the records.

AIM ID # - a unique number assigned to your office by AIM.

Regional Portfolio Name – provide the name of the Department responsible for the office or programme creating the records. e.g., Acute Care, Population Health, etc.

Division/Section Unit/Programme – provide the name of the Office of Record, i.e., the functional programme or unit immediately responsible for the creation and maintenance of the records.

Contact Information – name and communication numbers for the person coordinating this process at the office of record.

AIM SA 9/28/99

Location Particulars – indicate where the records are situated.

Series Register # - a unique number assigned to the schedule by AIM.

Item Numbers – the range of numbers listed on the attached *Records Retention Schedule Series Register*.

Volume – if the records are already boxed, provide the number. Estimate shelf and cabinet space in linear feet.

Proposed Transfer Date – the date these records will be boxed and labelled for transfer to **CCH Archives**.

Office of Record Authorisation – name and signature of manager or designate.

AIM Authorisation – Records Management Coordinator or designate.

Complete Section I, attach Series Register, and submit to AIM for approval. Upon receipt of approval, transfer records according to CCH Archives along with any file or box lists.

If you require help completing this form please contact Archives and Information Management, [location, address, telephone, fax, e-mail etc.]

AIM SA 9/28/99

Appendix 8c: Example of Semi-active Storage Transfer Order

Central Children’s Hospital
 ‘Care in the Community’
 Archives and Information Management

Records Retention Schedule Semi-active Storage Transfer Order

Section 1

AIM ID # AC114			
Office of Record Information			
Department Name Acute Care	Division / Section Unit / Programme Medical Ambulatory Clinic		
Contact Person Doe, John	Phone # 222-2225	Fax # 222-32226	
Location Site: FMC Floor : 9 Room: 954			
Transfer Details – attach applicable Series Register			
Series Register # (if known) 99-20	Item Numbers #3	Estimated Volume Containers: _____ boxes Shelf / Cabinet space: _____ linear feet.	Proposed Transfer Date ___ / ___ / ___
Office of Record Authorisation			
Name (print): John Doe		Signature: _____	Date: ___ / ___ / ___
AIM Authorisation			
Name (print): [archivist/designate]		Signature: _____	Date: ___ / ___ / ___

Section II

Transfer Verification (AIM use only)			
Job #	Date Transferred ___ / ___ / ___	Cubic ft.	Verified by:

Office of Record – the office or unit directly responsible for creating and maintaining the records.

AIM ID # - a unique number assigned to your office by AIM.

Department Name – provide the name of the Department responsible for the office or programme creating the records. e.g., Acute Care, Population Health, etc.

Division/Section Unit/Programme – provide the name of the Office of Record, i.e., the functional programme or unit immediately responsible for the creation and maintenance of the records.

Contact Information – name and communication numbers for the person coordinating this process at the office of record.

Location Particulars – indicate where the records are situated.

Series Register # - a unique number assigned to the schedule by AIM.

Item Numbers – the range of numbers listed on the attached *Records Retention Schedule Series Register*.

Estimated Volume – if the records are already boxed, provide the number. Estimate shelf and cabinet space in linear feet.

Proposed Transfer Date – the date these records will be boxed and labelled for transfer.

Office of Record Authorisation – name and signature of manager or designate.

AIM Authorisation – Records Management Co-ordinator or designate.

Complete Section I, attach Series Register, and submit to AIM for approval. Upon receipt of approval, complete all records transmission lists required by storage contractor and arrange for transfer.

If you require help completing this form please contact Archives and Information Management, [location, address, telephone, fax, e-mail].

Appendix 9a: Example of a Functional Series Register

Central Children’s Hospital

‘Care in the Community’

Archives and Information Management

Records Retention Schedule

Series Register

Department Name Acute Care	Division / Section Unit / Programme (Office of Record) Surgical Service – Processing Case Charts	Series Register # 99-21
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Item	Series Title and Description	Media	Dates	RRG	Closure	Active	SA	Disposition	PIB
#page	1. Sterrad Sterilizers Testing Logs	Paper	Dec 1996	18120	Equipment sold or dispersed of	1	10	Selective Retention	
2.	Sterrad Testing Logs	Paper	Mar 1996	18120	Equipment sold or dispersed of	1	10	Selective Retention	
3.	ETO Testing Logs	Paper	Sep 1996	18120	Equipment sold or dispersed of	1	10	Selective Retention	
4.	Pasteomatic Graphs	Paper	1993	18120	Equipment sold or dispersed of	1	10	Selective Retention	
5.	Airleak Graphs	Paper	1993	18120	Equipment sold or dispersed of	1	10	Selective Retention	
6.	Corporate Express - Purchasing	Paper	Dec 1997	18500/30	Fiscal year end	1	2	Destroy	
7.	Payroll - 1996	Paper	Jun 1996	14600	Calendar year end	1	6	Destroy	
8.	Budget – Process Schedules	Paper	1994	14300	Fiscal year end	3	0	Selective Retention	
Office of Record Manager Or Designate Authorisation					AIM Authorisation				
Name: _____ Signature: _____ Date: _____					Name: _____ Signature: _____ Date: _____				

Item No: The number given to each series (item) as listed on this series register (1, 2, 3 ...)

Series Title and Description: Descriptive title of records series and content or function summary. A records series is a series of files, documents, or data grouped together as part of common function, format, or organisation system (e.g., patient/client case files, unit administrative files, research project database, EEGs) with the same records retention policy.

Media: Media format type (e.g., paper, photographs, digital, microform)

Dates: Start date of series. If series is closed, provide inclusive dates, e.g. 1985-1990

RRG: Assigned number from CCH Records Retention Guide
[AIM SR 7/17/01]

Closure: The time when the file is closed for immediate use and the retention schedule is triggered.
FY=fiscal year end, CY=calendar year end, SO =superseded or obsolete.

Active:Active retention in office in years

SA:Semi-Active retention in off-site storage in years

Disposition: Final disposition options: D=Destroy, A=CCH Archives full retention, SR=Selective Retention by CCH Archives, R=Review

PIB: Contains personal information and is therefore a *Personal Information Bank*

Appendix 9b: Example of a Semi-active Storage Transfer Order

Central Children’s Hospital
 ‘Care in the Community’
 Archives and Information Management

Records Retention Schedule Semi-active Storage Transfer Order

Section I

AIM ID # AC124

Office of Record Information

Department Name Acute Care	Division / Section Unit / Programme Processing Case Charts	
Contact Person Kate Book	Phone # 541-3105	Fax # 212-4038
Location Site: FMC Floor : 9 Room: 954		

Transfer Details – attach applicable Series Register

Series Register # (if known) 99-21	Item Numbers 1-8	Estimated Volume Containers: _____ boxes Shelf / Cabinet space: _____ linear feet.	Proposed Transfer Date ____ / ____ / ____
--	----------------------------	--	--

Office of Record Authorisation Name (print): _____ Signature: _____ Date: ____ / ____ / ____		
---	--	--

AIM Authorisation Name (print): _____ Signature: _____ Date: ____ / ____ / ____		
---	--	--

Section II

Transfer Verification (AIM use only)

Job #	Date Transferred ____ / ____ / ____	Cubic ft.	Verified by:
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Office of Record – the office or unit directly responsible for creating and maintaining the records.

AIM ID # - a unique number assigned to your office by AIM.

Department Name – provide the name of the Department responsible for the office or programme creating the records. e.g., Acute Care, Population Health, etc.

Division/Section Unit/Programme – provide the name of the Office of Record, i.e., the functional programme or unit immediately responsible for the creation and maintenance of the records.

Contact Information – name and communication numbers for the person coordinating this process at the office of record.

Location Particulars – indicate where the records are situated.

Series Register # - a unique number assigned to the schedule by AIM.

Item Numbers – the range of numbers listed on the attached *Records Retention Schedule Series Register*.

Estimated Volume – if the records are already boxed, provide the number. Estimate shelf and cabinet space in linear feet.

Proposed Transfer Date – the date these records will be boxed and labelled for transfer.

Office of Record Authorisation – name and signature of manager or designate.

AIM Authorisation – Records Management Coordinator or designate.

Complete Section I, attach Series Register, and submit to AIM for approval. Upon receipt of approval, complete all records transmission lists required by storage contractor and arrange for transfer.

If you require help completing this form please contact Archives and Information Management, [location, phone, fax, e-mail].

Appendix 9c: Example of a Destruction Order

Central Children's Hospital
 'Care in the Community'
 Archives and Information Management

Records Retention Schedule Records Destruction Order

Section I

AIM ID # AC124

Office of Record Information

Department Name Acute Care	Division / Section Unit / Programme Processing / Case Charts	
Contact Person Boss, Kate	Phone # 333-3333	Fax # 333-3334
Location Site: _____ Floor: _____ Room: _____		

Destruction Authorisation – attach applicable Series Register and File List

Series Register # (if known) 99-21	Item Numbers #6, 7	Volume Containers: <u> 8 </u> boxes Shelf / Cabinet space: _____ linear feet.	Proposed Destruction Date ____/____/____
Office of Record Authorisation			
Name (print): _____		Signature: _____	Date: ____/____/____
AIM Authorisation			
Name (print): _____		Signature: _____	Date: ____/____/____

Section II

Destruction Certification – attach all destruction service documents

This certifies that the records identified above were destroyed in accordance with the CRHA Records Destruction Policy

Destruction Method <input type="checkbox"/> On-site service <input type="checkbox"/> Off-site service <input type="checkbox"/> Office shredder <input type="checkbox"/> Other: _____ Date of Destruction: ____/____/____	Office of Record Designate Signature: _____ Date: ____/____/____ <hr/> Destruction Service Provider (if applicable) Signature: _____ Date: ____/____/____
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Office of Record – the office or unit directly responsible for creating and maintaining the records.

AIM ID # - a unique number assigned to your office by AIM.

Department Name – provide the name of the Department responsible for the office or programme creating the records. e.g., Acute Care, Population Health, etc.

Division/Section Unit/Programme – provide the name of the Office of Record, i.e., the functional programme or unit immediately responsible for the creation and maintenance of the records.

Contact Information – name and communication numbers for the person coordinating this process at the office of record.

Location Particulars – indicate where the records are situated.

Series Register # - a unique number assigned to the schedule by AIM.

Item Numbers – the range of numbers listed on the attached *Records Retention Schedule Series Register*.

Estimated Volume – if the records are already boxed, provide the number. Estimate shelf and cabinet space in linear feet.

Proposed Destruction Date – the date these records will be boxed and labelled for destruction.

Office of Record Authorisation – name and signature of manager or designate.

AIM Authorisation – Records Management Coordinator or designate.

Complete Section I, attach Series Register, and submit to AIM for approval. Upon receipt of approval, destroy records according to CCH Records Destruction Policy and Procedures (contact AIM) and complete Section II. Forward copy of destruction certificate to AIM.

If you require help completing this form please contact Archives and Information Management, [location, phone, fax, e-mail].

Appendix 10: Select Bibliography

This selection includes a number of titles that broaden the learners understanding of contemporary issues in medical records. These are included to provide a larger base for exploring possible roles for the records professional.

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Improving Records Control and Storage in Papakura: A Case Study

Setareki Tale¹

Abstract and Acknowledgements

The aim of this case study is to identify problems in the area of records management that are common to the less developed states in the Pacific region. This study therefore focuses on problems which confront the majority, if not all, records managers and archivists in the Pacific.

The major challenge presented here, the need to ensure adequate records storage, is a real life situation and one that is common to all. Traditionally, whilst archives and records management are essential, they are often 'invisible' to the agencies they serve. Quietly going about their work, they are seldom given the attention or resources they deserve by managers and administrators. Consequently, archives and records management units are allocated the barest and poorest of work spaces and storage and frequently their holdings and operations spill over to basements and tool rooms.

Whilst an efficient government records centre can remedy overcrowding and space constraints, it alone is not the full solution. Overall records management success also requires the streamlined record keeping systems and the use of disposal schedules.

This case study is designed to present the student with realistic situations that will encourage him to think creatively and strategically of ways in which these problems can be solved, and thus not only help in the development of archives and records management in the island states of the Pacific, but also in other parts of the world.

I would like to acknowledge the contribution of Ms Margaret Patel, former Head of the National Archives of Fiji, to this case study together with the assistance of Ms Viniana Ibeco of the National Archives of Fiji in the compilation of this work.

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Introduction

Setting the Scene

From 1994 to date the National Archives of Papakura has vigorously pursued its mandate function of surveying and identifying records of archival value around the country. This course of action was set by the Director, who has since retired from the National Archives. Recently a newly appointed Archivist has been given the task of developing a Records Management Section within the National Archives with responsibility for improving records management systems within departments and ministries and for advising on proper storage of records. Part of his job is to work with agency officials to identify and design effective solutions to records management problems.

In the last few months, this officer has followed-up on initial records management surveys that were completed in 1994 with a programme of personal inspections. His findings reveal that there has been very little improvement in the quality of records storage or of records management systems in government offices in the intervening four years to 1998.

Background

The Papakura Islands include more than 120 islands in the north-west Pacific. The total land area is about 400 square kilometres. Out of the 120 islands, 70 are inhabited. Government Stations including Health Centres, Forestry Stations, Agricultural Stations, Weather Stations, etc are located in all but about 10 of the inhabited islands.

The capital, Taoni, is located at the north west part of the largest island Talasiga. Administratively the island state is divided into four Divisions: Western, Central, Northern and Eastern. Each division is responsible for a number of outlying islands.

The National Archives is situated in the capital and is part of the Ministry of Information, Culture and Arts. The Archives has 17 staff with an Annual budget of P\$250,000 [P\$= US\$.52].

The National Archives of Papakura was established in 1945, but it was not until 1965 that it came into being legislatively, with the enactment of the *Archives Ordinance*. This instrument was later amended in 1980, henceforth to be known as the *Public Records Act*. See Appendix 3 for a copy of the Act.

Definitions and Responsibilities

The *Public Records Act of 1980* has the following important provisions:

‘Public records’ means all such documentary materials, in any form, of any kind, nature or description which have been drawn up, made, received, acquired or used in the course of legislative, administrative or executive transactions or in proceedings in any court, together with all exhibits and other material evidences which form part of or are annexed to or are otherwise related to specific documents, which are or

are required to be in the custody of any public officer or Government office or which may at the commencement of this Act or thereafter be transferred to or acquired by the Archives office.

As you can see, the definition of public records is quite comprehensive and covers all records created within government regardless of form.

Authority to Protect Records from Unauthorised Destruction

No records may be destroyed without the authorisation of the Director of the National Archives.

Scope of Authority to Acquire Records

The Act authorises the Archives to acquire documents other than 'public records' such as records of private institutions like religious organisations, banks and even individuals. Records of local government organisations which come under the responsibility of the Minister for Local Government are also adequately covered under the Act.

The National Archives is required under the Act to acquire all public records which are more than 15 years old. However, retention of records in public offices may be prolonged if the Director of the National Archives or the Head of that government office sees it fit to retain such records in that office.

Records which are less than 15 years old may also be accepted into the 'Records Centre' of the National Archives with the consent of the Director.

Other Important Provisions

The National Archives, under the Act, has the power to

- inspect public records which are retained in Government Offices
- recommend to offices preservation measures for current and semi-current records and records whose transfer to the Archives have been deferred
- advise on matters relating to the proper management of public records from their creation to their ultimate disposal.

The Current Situation

As explained earlier, since the survey was first conducted, virtually no improvements have taken place since the 1994 survey, despite departments and ministries having been advised of National Archives recommendations for improvement. The following list comprises a summary of the record keeping problems found in most government departments:

- gloomy, badly ventilated and overcrowded file and storage rooms
- records overflowing into unsuitable storage spaces such as damp basements and alcoves under staircases

- senior executives and managers feel the need for a proper system of current records management, but lack a formal mechanism or programme to co-ordinate record keeping efforts among or within the departments
- no official link between the National Archives and government departments;
- no government-wide system for records scheduling and disposal
- the National Archives has no information on or warning of impending records transfers and has had to suspend accepting semi-current records due to space constraints
- lack of staff training in the preservation of records in special formats means that the National Archives acquires only paper records
- agency registry personnel are poorly trained, and most have very low morale and few prospects for advancement.

However, there are a few encouraging cases where officers feel very proud of being in a registry. In some more ‘records-intensive’ departments, they are held in high regard and enjoy their work. Sadly, such instances of high esteem and satisfaction among record keeping professionals in the island nation are the exception, not the rule.

Summary of Problems

Storage

The conditions of records storage rooms of the majority of government office in the capital and the districts are very substandard.

Training and Employment

The National Archives has acted to improve staff expertise by conducting ‘Records Management’ workshops all throughout the country in the last three years. However, this training has had little effect because there are no official classifications or line positions for ‘Records Managers’ in government, only for registry officers. Thus those registry officers with records management training receive no recognition for their knowledge and remain at the disposal of the departmental and ministerial heads for transfer to other sections or departments when the need arises.

National Archives Poorly Resourced and Understood

With its limited number of staff and very stringent budget, the National Archives can make little meaningful progress to mount an effective whole-of-government records management programme. Certainly the current government is aware of the need to manage the nation’s semi-current and non-current records properly, but it has not sought the expertise the National Archives to develop workable solutions. For example, the government had offered a building to be used as the National Archives ‘Records Centre’ which was not acceptable because of its structure and susceptibility to flooding. Another facility was offered by the Commissioner of the Northern

Division which again was regretfully declined by the Director of the National Archives for similar reasons.

Government's Proposed Solution: A Centralised Records Centre

In the last few weeks, the government has confirmed that it has Agency for International Development (AID) funds which could be applied for constructing a purpose built records centre to serve agencies in the national capital. Each project should cost a maximum of P\$90,000 (P\$1 = US\$0.52).

Whilst storage problems in the capital will be relieved with the establishment of a centralised Record Centre, the problem of storage for the non-metropolitan Divisions and outer islands still remains to be addressed. The system currently in place to bring all semi-current records to the records centre in the capital and having to send them back to the divisions when required has, in the past, proven to be a costly exercise. The professional literature suggests that the storage problems outside the capital could be solved by establishing a network of outlying records centres which would service agencies outside the capital and on other islands. This, however, may not be achievable for some time due to the limited funds available. Obtaining authority to design and build a well equipped 'records centre' seems to be the only 'records management improvement' the present administration considers viable.

General Plans for Disposal of Housekeeping Records

Currently there are 612 linear metres of semi-current records that are stored in the 26 government departments in the island state. Of this total, about half are ephemeral and will be destroyed. The current accumulation rate for records in government offices is approximately 150 linear metres yearly. It is suggested and agreed therefore, that the development of a disposal programme with schedules covering general 'Housekeeping' records should contain the records growth rate at a manageable level until such time that Records Centre services are available locally for the divisions. This measure has been included in the National Archives Corporate Plan for completion within the next three years.

Problems with Records Identification and Classification

The file titling and registration systems within most government offices are chaotic because there is no systematic guidance regulating file titling and registration. An example of this ad hoc approach and its effects can be seen in the list of files obtained from the Customs and Excise Department of the Ministry of Finance, which is attached as Appendix 1. It is noted from the list that no distinction was made between generalised administrative or 'Housekeeping' records and records documenting mission-specific activities ie. 'Functional' records. A copy of the 'Activity Description' of proposed improvements in the management of records in the Department of Custom and Excise is attached as Appendix 2.

Teaching Notes

Learning Objectives

- Learners should learn to think strategically in making proposals and in the management of space for storage.
- Learners should be able to distinguish between file numbering and control systems - their advantages and disadvantages.
- Learners should be able to differentiate general Housekeeping from Functional records.
- It should also give learners a taste of some of the challenges of developing a disposal programme in the absence of clear standards for record and file identification and classification.

Case Problem 1

Designing a Facility for Records Centre Storage and Services

1. As the Archivist responsible for the Records Management Section of the National Archives, you are required to submit to government a proposal for the establishment of a 'proper' Records Centre on a vacant piece of land adjacent to the National Archives. Approval has already been obtained from the Ministry of Lands for the use of this piece of government land. You need to reaffirm with government why it is necessary to set up a government records centre, include your staffing requirements.
2. Your proposal must also include a draft floor plan for the single storey 'Records Centre'. Based on the records on hand ready to be transferred to the centre and the projected accumulation rate of records given in the STATUS segment of the case study, calculate the amount and different types of storage space that will be needed to accommodate records holdings for the next ten years. In particular, allowance should also be made for records in special formats. The plan should show the racking layout, office area, loading bay, security disposal facility, a small search room and staff amenities. Use a separate page for a legend to explain the placement of facilities and areas.
3. Provide a descriptive list of services that you propose to offer, their purposes, proposed clientele and any key policies and/or conditions that will regulate and administer them. Include brief descriptions justifying any charges and conditions of deposit or service provision that you propose to impose.

Study Questions

- a) What are the advantages and disadvantages of having a central 'Records Centre' as compared to distributed custody? What would be the cost factors? Also discuss 'Integrity' and 'Accountability' issues.
- b) What would be the steps taken for the transfer of records to the Records Centre? What responsibilities and activities should be required of the creating agencies? What supplies and services should the Records Centre provide?
- c) What obstacles or difficulties must you anticipate and overcome in order to ensure smooth and efficient partnerships amongst the staff of the Records Centre, the National Archives and individual agencies?

Case Problem 2

The Importance of Identifying and Classifying Records Properly

- a) The Head of Customs and Excise has expressed his desire to change his filing system. He has not been exposed to any other system apart from a simple date order or 'chronological system' which is used in his department. You believe that further study is needed to identify a scheme that will facilitate control and access to individual records and files. Based upon the list of the records given in Appendix 1, prepare a recommendation for a suitable system for his approval. In your discussion, describe the pros and cons of at least three feasible systems and defend your particular choice of system over the chronological number system currently used by Customs and Excise.
- b) To prove your point, using the list at Appendix 1, produce another list using one of the systems you have recommended. Make sure that you distinguish between 'Housekeeping' and 'Functional' records. The 'Activity Description' provided at Appendix 2, may be used as a guide in distinguishing between the two categories of records. Using the revised list that you have constructed out of the Customs and Excise department list, develop a sample 'Disposal Schedule' for Housekeeping records. The sample will form the basis upon which you will later develop a 'Disposal Schedule' to sent out to the divisions.

Study Questions

Explain the importance of accurate identification and appropriate classification in the efficient and effective management of records.

1. When identifying and/or establishing disposal classifications for records, is it necessary to distinguish between General, particularly 'Housekeeping' or facilitative, records and those which are Functional or 'mission specific' records or, should they not be distinguished? Explain your answer.

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Appendix 1

Papakura Customs and Excise Department

List of General Correspondence Files for transfer to the National Archives of Papakura

File Ref.	Title	Date Range
1	Buildings and Furniture	20/3/64 -13/3/75
2	Wharfs and Jetties	22/06/64-03/09/75
3	Quarters - Government	14/01/64-22/10/75
4/1	Sale of Goods	23/10/63-16/12/74
4/2	Seizures	28/01/64-20/04/78
4/3/1	Drawback and claims	09/01/79-25/06/84
4/4	Private Bonded Stores - M. H.'S & B.P.'S	24/12/63-20/01/75
4/5 Pt.1	Boarding of Vessels and Ships stores and Application to proceed to a sufferance wharf. Form C.15	11/3/72 - 5/4/88
4/6 Pt. 1	Working of Vessels and Goods Short (including Pillage Goods)	15/10/76 - 3/12/89
4/7	Custom House Agents and Importers Authorised Clerks	14/07/64-30/0/75
4/9	Oil Tanks	3/07/64-02/02/73
4/10	Parcel Post	21/07/64-21/11/75
4/11	Customs Carriers Licences	10/08/64-26/06/86
5	Customs Duties Ordinance	09/07/64-17/12/68
5/2	Values for Duty	23/06/64-25/02/72
13	Handing over Certificates	21/07/64-24/10/75
15	Bonds	23/06/64-07/03/75
18	Wreck and Salvage	08/12/75-03/10/79
19pt.III	Marine Board - survey Reports - Sea Going Certificates Report Correspondence	03/01/75-09/01/86
20	Accounts – General	05/01/71-17/12/92
21	Staff General	16/04/70-16/12/75
21 pt.3	Application for Annual Leave	11/01/90-23/06/94
22 pt.I	Pacific Fishing Co. Ltd	01/05/76-18/10/76

22/2	Pacific Fishing Co Ltd Fish Loins and Pet Food Cannery	06/05/76-18/10/76
22pt.III	Pacific Fishing Co.	17/4/67-30/8/79
22(4)	Pacific Fishing Co. Ltd	15/03/74-30/11/79
23pt I	'Fish' Prohibited Imports, and Exports & Exchange Controls 'F' Licences	04/02/76-19/9/92
24/1	Annual Report Marine Department and Statistics	08/1/68-11/01/82
25	official Telephones and Official Newspapers	11/07/64-11/12/75
27	Weather Information and Warning Services	14/10/64-13/09/74
28	Jerquer's and Audit Queries	20/10/64-10/02/76
29	Navigation Aids and Hydrographic Survey	31/10/64-26/6/74
34	Overseas Yacht file	25/09/87-19/6/93
34 pt.I	Vessels and Yachts	09/2/77-8/12/83
43	Dept. Instructions and Amendment lists (spare copies)	15/11/68-26/03/74
F/L/I 44	Minutes and Programmes: Independent Day Celebrations at Leleuvia	15/6/70-12/10/70
45	New Customs Laws & Regulations (1968)	14/8/68-27/5/69
48	Immigration Clearance Duties at Levuka	21/1/74-13/10/75
50	Public Service Commission Circular	20/2/74-29/5/74
51	Ports Authority of Papakura	20/12/74-30/12/70
53	Metrication - Metric Conversion of	21/12/76
54	Vessel Boarding Forms (Copies)	4/8/77
55	Budget Estimates	1/1/77 - 30/12/95
56	Appointment of Custom Agents	3/6/83 – 29/11/96
57	Custom and Excise duties	2/2/69 - 3/4/85

Appendix 2

Government of the Island Republic of Papakura

Ministry of Finance

Department of Customs and Excise

Description

The Department aims to improve the management of its records for the following reasons:

- To facilitate government revenue collection and to improve fraud prevention techniques. This will be achieved by:
 - ◊ using computer technology to
 - ◊ facilitate the correct collection of customs and excise duties
 - ◊ undertake risk assessed audits of our clients, and
 - ◊ impose administrative penalties for understatement of duty.
- To manage controls over the inwards and outward movement of goods, people, aircraft and vessels.
- To protect the community from the impact of illicit drugs and other prohibited and restricted goods.
- To detect, investigate and prosecute breaches of legislation administered by Customs.
- To support industry in Papakura:
 - ◊ implement and administer in relation tariffs, valuation, preference, tax zone, tax free factories and subsidies
 - ◊ facilitate the movement of passengers and cargo through international airports and seaports.
- Administer diesel fuel rebate scheme and the warehousing system.

Performance Measures

The following performance measures are to be introduced:

- Manage compliance with excise and deferred Customs revenue requirements and assist industry and commerce.
- Provide a service to and for the community by ensuring compliance with controls over imports and exports of commercial goods and collection of Customs duties.

- Manage an effective Customs control environment over people, goods, vessels and aircraft entering or leaving.
- Identify and deter unlawful activity by travellers entering or departing Papakura while clearing law abiding travellers as quickly as possible.
- Investigate major breaches of Customs administered legislation, manages the prosecution process on behalf of all sections and provide an intelligence service to the whole of Customs.
- Carry out checks on breaches of Customs requirements and procedures and points out errors that may result in loss of revenue.
- Develop and implement corporate policies and practices in relation to our human, financial and material resources.
- Tariff classification and support development of industry as required by Government.

Appendix 3

Selected Segments From The Papakura Public Records Act

GOVERNMENT OF PAPA KURA

PUBLIC RECORDS ACT

CHAPTER 56

AN ACT FOR THE BETTER PRESERVATION OF THE PUBLIC RECORDS OF PAPA KURA

PART 1 - PRELIMINARY

Interpretation

- 2 'Public records' means all such documentary materials, in any form, of any kind, nature or description which have been drawn up, made, received, acquired or used. In the course of legislative, administrative or executive transactions or in proceedings in any court, together with all exhibits and other material evidences which form part of or are annexed to or are otherwise related to specific documents, which are or are required to be in the custody of any public officer or Government office or which may at the commencement of this Act or thereafter be transferred to or acquired by the Archives office.

* * * * *

PART 4 - CUSTODY

Deposit of public records in the Archives office

- 9 (1) All public records of the age of fifteen or over (other than those which under any Act are required to be held in the custody of a specified person or Government office) which in the opinion of the Archivist are of sufficient value to warrant their preservation as-
- (a) evidence of the organisation, functions and transactions of Government office in which they were originally made or received; or
 - (b) evidence of public or private personal or property rights or civic rights; or
 - (c) containing historical or general information, shall be transferred to the custody of the Archivist and be deposited in the Archives office.

* * * * *

Deposit of public records of less than fifteen years of age

- 13 (1) The Archivist may allow the deposit in the Archives office of public records of less than fifteen years of age if he considers that they are of sufficient value for deposit.
- (2) Any deposit of public records under the provisions of subsection (1) may be subject to any special conditions imposed by the administrative head of the Government office making the deposit.

* * * * *

Public records not in the Archives office

- 15 (1) The Archivist shall be entitled from time to time to inspect any public records that are for the time being in possession or under the control of any Government office and give such instructions as to their safe preservation and such advice as to their efficient and economical administration and management as he considers necessary.
- (2) Nothing in this section shall be deemed to authorise the Archivist to inspect the contents of any public records-
- (a) which by any written law are forbidden to be communicated to him or,
 - (b) which are secret or confidential, except with the consent of the administrative head of the Government office having the custody thereof.

* * * * *

Public records not to be destroyed or disposed of without the authority of the Archivist

- 17 (1) No person shall destroy or otherwise dispose of, or authorise the destruction or other disposal of, any public record of any kind whatsoever that is in his possession or under his control, except with the consent of the Archivist given in accordance with the provisions of this Act.
- (2) Before authorising the destruction of any public record or any class thereof, the Archivist may, if he thinks fit, consult with any person whom the Archivist considers qualified to advise him as to value thereof for permanent preservation.

* * * * *

Routine destruction of public records

- 18 The Archivist may authorise the immediate destruction, or the destruction after the expiration of such specified time as may be agreed upon between the Archivist and the administrative head of the Government office concerned, of any specified public records or classes of public records that -

- (a) by reason of their number, kind or routine nature do not in his opinion possess any enduring value for preservation in the Archives office; and
- (b) are not required for reference purposes in any Government office after action on them is completed, or after the expiration of such period of years from the date on which action on them is completed as may be agreed upon between the Archivist and the administrative head of the Government office concerned.

* * * **end** * * * *

The Management of Legal Records in Kenya :

A Case Study

Musila Musembi¹

Introduction²

The management of legal records constitutes one of the most complex problems for Kenyan archivists despite the existence of legal and administrative provisions. In terms of the Records Disposal Act Chapter 14, authority to destroy court records is shared between the Chief Justice and the Director of the Kenya National Archives and Documentation Service. Similar legal requirements exist for the records of the Attorney-General's Office. While these arrangements provide the necessary checks and balances against hasty decisions to destroy legal records, the situation is greatly disadvantaged by magistrates and lawyers who do not have enough time for legal records. As a matter of fact, it is not just time alone. We have abundant evidence to demonstrate that some of these learned friends are not committed to effective management of legal records. As a result, there has been an unprecedented accumulation of utterly useless legal records in some courts - many of them relating to petty cases. This situation does not serve the interests of research scholars, the creating departments/courts or archivists. The position is, fortunately, much better as regards the management of legal records in other legal public offices, ie in Ministries, Departments and State Corporations. It is for this reason that this case study will devote greater attention to the management of court records.

The management of legal records needs both special consideration as well as special attention. Sections 60 and 64 of the Kenya Constitution state that the High Court and the Court of Appeal are Courts of Record where, at least in theory, all records must be

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Mr Musembi is the author of *Archives Management: the Kenya Experience* (1985). He has contributed chapters and articles in publications and journals including a chapter in *Legal Records in the Commonwealth* (1994), and co-edited *Proceedings of the Pan African Conference on the Preservation and Conservation of Library and Archival Materials* (1995).

² This case study is partly a revised and updated version of an article titled 'The Management of Legal Records: The Kenyan Experience' which was published in *Legal Records in the Commonwealth*, Ed William Twining & Emma V. Quick, Dartmouth Publishing Company, England, 1994.

permanently preserved. Indeed, the concept of a Court of Record means that the documents produced by such a court are a 'record', and are thus a part of the law itself.³ Archivists cannot take this consideration lightly.

There is also the question of the fast accumulation of legal records, especially court records. The management of these materials has, at times, presented extremely severe problems, especially in relation to the disposal of both the records and exhibits. And in a few cases, this had precipitated real crisis with regard to the storage of these materials with some of the records actually being left on the floor. There is therefore no doubt that legal records in Kenya must have presented peculiar problems from the beginning. These problems must have been fairly pressing and this must be the main reason why the Records Disposal Act Chapter 14 was enacted before the Public Archives and Documentation Service Act. However, although the government had clearly given special consideration and special attention to legal records, the Kenyan archivists failed miserably to give appropriate attention to the management of these materials until the early 1980s. The consequences were, in some cases, disastrous. Since that time, a most significant paradigm shift has taken place. For the first time, Kenyan Archivists began to give greater attention to the management of legal records. The Director of the Kenya National Archives and Documentation Service sought the support of the Chief Justice and the Registrar of the High Court. He got it. The ground was prepared for improved management of legal records in general, and court records in particular. As this case study will demonstrate, significant successes have been achieved. However, in view of the size of the problem, as well as its complexity, much still remains to be done.

The Period of Neglect: 1962 to 1982

The Records Disposal Act Chapter 14 was enacted in 1962. It laid down the procedures to be followed in maintaining the records created by the courts as well as those of the Attorney-General's Office. However, in spite of the existence of guidelines in the form of disposal schedules clearly setting out time limits after which certain court records should be destroyed, no disposal action was taken by the courts on a regular basis. In many cases, no destruction of valueless court records took place. This situation led to overcrowding of some of the courts with valueless materials.

It is not difficult to explain why the Kenya National Archives and Documentation Service took very limited action to implement the requirements of the Records Disposal Act in the 1960s. Two years before the Act was promulgated, in 1959, the embryonic Archives Service was virtually dismantled. Four out of the five posts of clerical officer in the tiny Archives Department were abolished, and the post of Archivist, the officer in charge of the Department, was combined with that of the Controller of Office Services when the holder retired. This was as a result of the severe economic problems which the country was facing at that time. Apart from the

³ Knafla, Louis A. 'Legal Archives: the National and Cultural Heritage.' Paper prepared for a meeting of Commonwealth Law Ministers, Colombo, Sri Lanka, February, 1983, p. 2.

reduction of personnel, the budget to run the archives service was almost non-existent. The situation had not changed much by 1962 when the Records Disposal Act was enacted. The stage for poor records management in the public service, legal records included, was therefore firmly set.

The enactment of the Records Disposal Act was, to some extent, a contradiction in terms in that no adequate personnel and finance were made available to implement it. Throughout the 1960s and early 1970s the situation was, despite some improvements, equally discouraging. The total authorised establishment of the Kenya National Archives, now Kenya National Archives and Documentation Service, was eleven in 1963, thirteen in 1970 and twenty-two in 1974. To make matters worse, many of these were junior staff, mainly high school graduates who were also not trained. A country must have a certain minimum professional capability in order to be able to launch and sustain a records management programme, including that of legal records.

The question of minimum professional capability is quite important and it is necessary for me to illustrate what can happen in its absence. Soon after independence, in the early 1960s, the Kenya Government became aware that large quantities of records had been burnt by the departing colonial administration. Others had been physically transferred to Britain. This left a big gap in our holdings. It was therefore necessary to ensure that this gap was not enlarged by unauthorised destruction of records which were still in various government offices after 1963. Circular Letter No. 2 of 1965 was therefore issued by the Vice-President, instructing, among other things, that:

‘In order to deal quickly with the accumulated backlog of con-current records, the Cabinet has authorised the immediate transfer of records dated earlier than 31st December 1945, ie which are approximately 20 years old. This ruling applies to all records whether open, confidential, or secret.’⁴

The main objectives of the above instruction were good. However, as a result of the lack of adequately qualified personnel to appraise the records, a lot of valueless materials were brought into the National Archives quite a good percentage being court records. More than 90% of the court records which were transferred to us were utterly worthless in terms of the Records Disposal Act. And most of them came from the lower courts. Again, inadequately trained staff were not able to appraise the materials even after they were received in the Archives. As a result, the disposal of these valueless records continued to give us problems until quite recently, mainly because the courts which had created them did not feel very much concerned with the records since they were no longer in their custody. It was the National Archives’ storage space and equipment which were being occupied by these valueless records. Yet we could not destroy them before they were gazetted by the courts themselves. Out of desperation, we decided to take them back to the original owners. We had to use our limited time and resources to do so. The experience we have gained in handling these court records has clearly taught us that we must be very careful in accepting valueless records into our custody - whether legal records or not. My advice to colleagues is this: watch out.

⁴ Archives Circular No. 2 of 1965.

In February 1983, totally without prior notice, I was informed that I was going to accompany the Deputy Public Prosecutor to Colombo, Sri Lanka, for a Commonwealth Law Ministers' Conference. A memorandum by the Commonwealth Secretariat and a paper by Professor L Knafla on 'Legal Archives: The National and Cultural Heritage' had been circulated to those law ministers who were planning to attend the conference and it was hoped that the issue would be discussed formally or informally.⁵ This explains why I went to Colombo. I could hardly believe that I could be invited to such a meeting, being still a fairly young man who had taken over the management of the Kenya National Archives and Documentation Service only about ten months earlier. More significantly, I had never attended a conference or seminar at such a high level. And so when I was asked to prepare a position paper on the management of legal records in Kenya, I quickly had to conduct detailed research. I was actually surprised by the unsatisfactory situation found in some of the courts which were examined by our staff.

All along, I had thought that the existence of a Records Disposal Act, as well as clear disposal guidelines for court records, were bound to create conditions conducive to more efficient management of these materials. Unfortunately, this was not so. After consultation with my senior staff, it was decided that, henceforth, courts throughout the country were going to be included in all our records management programmes just like other government ministries and departments.

The research I had carried out just before the Colombo Conference and Professor Knafla's paper convinced me that the time had come for the Department to give greater attention to legal records. Furthermore, my invitation to the Colombo Conference gave us a strong signal to the effect that the government expected the Kenya National Archives and Documentation Service to take strong measures for the management of these records. As might be expected, these signals were taken very seriously. Therefore, the Colombo Conference further catalysed our interest in legal records. Soon after the conference, we intensified our contacts with the Judicial Department and especially the High Court. The Registrar of the High Court was in principle supportive of our initiatives. However, he did not have adequate personnel to sort out and appraise an immense accumulation of materials in the basement of the High Court. An attempt to use prisoners' labour to assist in the exercise did not succeed because of unforeseen problems.

Meanwhile, the Office of the President issued a circular to all ministries, departments and para-statal organisations emphasising the need for public offices to manage their non-current records more effectively. The circular, dated 28th November 1985, strongly emphasised the responsibility of public offices in managing their records - both current and closed. We quickly took advantage of the instructions contained in the circular letter and intensified our discussions with senior officers in the Judicial Department. The results were very encouraging. First, it was agreed that the Judicial Department and the Kenya National Archives and Documentation Service should issue a joint letter to all the magistrates in the country in which their attention would be drawn to the instructions contained in the Office of the President's circular. The

⁵ Knafla, Louis A., *op. cit.*

joint letter to the magistrates noted that many courts at the lower level were crowded with valueless records because some of them were not implementing the requirements of the Records Disposal Act. It was further noted that although the retention period for criminal case-files had been reduced from twelve to three years, these materials were still kept in most of the courts long after they matured for destruction. Magistrates were therefore requested to implement the requirements of the Records Disposal Act in order to improve the generally unsatisfactory position. The joint letter is reproduced as Appendix I.

The issuance of the joint circular letter to the magistrates had very positive results. For example, between 1986 and 1987, many courts applied to the Chief Justice for authority to destroy valueless court records. More significantly, more and more magistrates were beginning to accept that the management of court records was an important activity which deserved their attention. However, their busy schedule together with untrained personnel in the courts meant that problems related to the management of court records were going to remain with us for much longer than we had expected. Probably due to the same reasons, some courts failed to destroy the valueless court records even after they actually obtained the necessary approval. What a paradox! And so we had to continue to search for a more permanent solution to the problem.

Experience had shown that the problem of poor records management in the courts was partly caused by inadequate knowledge on the part of executive officers on what the laws and regulations require concerning the disposal of these materials. We had noted earlier that these officers play a key role in the general administration of courts. Furthermore, the newly formulated Scheme of Service for Executive Officers specifically included records management as one of their basic functions. However, experience had shown that such provisions would have no effect so long as the officers concerned were not clear in their minds on how to proceed. It had therefore become evident that the implementation of the requirements of the Court Records Disposal Act could not really succeed unless executive officers were properly educated as to the legal and administrative requirements relating to the management of court records. Consequently, a two-day seminar for some selected executive officers serving in the courts was organised by the Kenya National Archives and Documentation Service, with the full funding and support of the Judicial Department. It was held from 21 to 22 February 1991 and attended by twenty-six officers from different courts. The seminar was very successful, prompting the organisation of other similar seminars until most of the executive officers serving in the courts had been covered. The enthusiasm shown by those who attended the seminars, together with the robust support given by the Chief Justice and the Registrar of the High Court, have absolutely convinced us that it is possible to make a breakthrough in this most difficult area. The recommendations of the February 1991 are given as Appendix 2.

As indicated earlier, both the Chief Justice and the Registrar of the High Court had shown great interest in the management of court records. It is our hope that this will continue. This, of course, is likely to have a positive influence on officers working under them. We have in fact seen evidence of the actual benefits to be obtained from such support. Throughout the two-day seminar which was held on 21 to 22 February, 1991, two Acting Deputy Registrars of the High Court, both the criminal and civil

registries, participated. I was personally very encouraged by this and had no alternative but to join in as well. This gave a lot of inspiration to the participants. It was another clear sign of better things to come.

The Present Position

There is no doubt that legal records form one of the largest groups of records which are created in the public service in Kenya. They accumulate very fast. In certain cases, this has laid an extremely heavy burden on magistrates, executive officers and court clerks whose busy schedules are largely devoted to other more urgent issues. Others do not seem to be aware of their responsibility with regard to legal records or, if they are, have not bothered to take the necessary action. Be that as it may, the extremely fast accumulation of these records has presented complex management problems which call for a co-operative approach, especially between the courts and archivists. In this case, the issue of 'missing' and 'lost' court files cannot escape one's attention.

Now, as indicated earlier, courts in Kenya, as indeed elsewhere, create and receive an immense documentation per month. In a year, the accumulation must be very high. It is noted that their control is often inadequate. This must obviously be one of the major causes of 'missing' and 'lost' files. Good record keeping practices should, however, be able to take care of this problem up to a satisfactory level. This is what the Kenya National Archives and Documentation Service hopes to achieve in the long run. Unfortunately, poor records keeping practices is not the only cause of 'missing' and 'lost' court records. Corruption is another cause of this problem. A Court of Appeal Judge, Justice Philip Kiptoo Tunoi, in a recent interview by the Sunday Nation stated as follows with regard to what could be the reasons behind numerous cases of missing files:-

'There are many factors but the main reasons are methods of filing and corruption. The filing system is archaic. In 1970s and 1980s, the court used to handle very few cases but today there are thousands of files. Secondly, my experience tells me that this has to do with corruption. A number of people can get involved in this: litigants, advocates and court clerks who all bribe. I do believe that parties can cause files to go 'missing' by corrupting court clerks to misplace them. The Judiciary has nothing to gain from missing files.'⁶

When asked what, in his view could solve the problem, Justice Tunoi provided an excellent answer from an archivist's point of view. He observed that the solution to the problem could be action was taken as follows:-

⁶ Sunday Nation. 11th October, 1998, p.19.

‘Through strict supervision by the following: the Executive Officer of the court, Deputy Registrar, Judges and Magistrates. If they all took interest to see that files do not go missing, I am sure the problem would be overcome.’⁷

At this point, it may be useful to determine how widespread is the problem of missing and lost files in Kenyan courts. What is the size of the problem? As I have already demonstrated, there is no doubt that the problem is there. And it is fairly common in the very busy courts which are also located in big urban centres. However, there is also evidence to indicate that the problem is, at times, grossly exaggerated by the local press which excels in promoting sensational stories. As a matter of fact, the files reported missing per year must be very insignificant in relation to the total court files. Few people appreciate some of the problems in which Executive Officers and Court Clerks work under: fast creation and accumulation of records; very limited storage space and equipment for keeping current, semi-current court records and exhibits; high and frequent rate of retrieval of these records for court clerks. Judicial officers, archivists and members of the public all need to appreciate these constraints so that their energies can be mobilised for the search of permanent solutions to the above problems.

And now, a word on exhibits. We need not belabour the fact that they form part of the court proceedings. What, however, must concern us here is that their management often presents very difficult problems. This is especially so when account is taken of limited office and storage space in courts and of course the very varied nature of the exhibits themselves. It was for these reasons that participants in one of the seminars on the management of court records ‘strongly recommended that the disposal of exhibits (objects) be determined and made at the earliest time possible - possibly by the time of a judgement of a particular case.’ This particular recommendation reflected the views of Kenyan Archivists. It was, together with others, communicated to the Chief Justice who rightly advised that:-

‘..... disposal of exhibits is not allowed under the law until any outstanding appeal is disposed of. In some cases convicted persons prefer a second appeal to the Court of Appeal; it takes (usually due to the delay by advocates) sometimes two or three years. For instance, in the case of the murder of Mr J R McCready in 1985, the British Government has requested the return of certain personal items because the second appeal has still not been disposed of, as I stated to the Deputy High Commissioner, it is unwise to take the risk of releasing any of the exhibits before the final determination of the second appeal. This would apply even more so to destruction of exhibits, because they would then be lost for all time, and an appeal might well have to be allowed because of the non-availability of an exhibit.’⁸

⁷ Ibid.

⁸ Letter Ref. No. CJ.12 dated 4th April, 1991 in file KNA/16/11/91.

This was indeed a great advice to the Kenyan archivists. We certainly need to be aware of some of the intricacies and legal implications of disposal of court records in general, and exhibits in particular.

I have demonstrated that by early 1990s, we sought and obtained the support of the Chief Justice, the Registrar of the High Court and an increasing number of Magistrates. I must emphasise that this support did not just pay us a surprise visit. We carefully planned for it. And we took appropriate measures to achieve it. As a start, the Director of the Kenya National Archives and Documentation Service held several meetings with the Registrar of the High Court on the management of court records in the country. In these meetings, it was emphasised that the Registrar needed to take measures which could lead to the improvement of the management of court records. We were quite persistent on this point. In the long run, we achieved our objective - the needed support. If we were quick to despair because of 'little' problems during our initial discussions and negotiations with the Registrar of the High Court, it is most likely that we would have given up long before we got the support. There is no doubt that our commitment to the already determined course and our patience helped us to turn-round the unsatisfactory situation described above.

I must emphasise that our mission to improve the management of court records was not all roses. There were times when our statements and recommendations were taken as a little bit over-zealous, and probably alarmist. On 29th October, 1990, the Director of the Kenya National Archives and Documentation Service wrote a rather candid letter to the Registrar of the High Court. In his letter, he expressed great concern on poor management of court records. Among other things, the letter stated as follows:-

‘The other area of great concern relates to the present unsatisfactory state of records management in most courts. In very many cases, the courts are clogged with valueless non-current records. The High Court falls under this category since its basement is full of such materials. This has resulted in uneconomical usage of office space and equipment. Furthermore, some of the non-current court records are, in some cases, kept along the corridor - giving a very poor picture to members of the public. This unsatisfactory situation is certainly set to become worse unless your Office takes immediate appropriate action.’⁹

The Registrar of the High Court was obviously not amused by the above statement. He must have liaised with the Chief Justice, who personally responded to the letter. In his reply dated 12th November, 1990, the Chief Justice observed that:-

‘I have not personally observed useless Court records clogging the public corridors and neither can I agree that any Court records are valueless. While records of the Courts fall within the Schedule and therefore within the definition of public records in Section 2 of the (Archives) Act, they cannot be indiscriminately lumped with other records. Apart from this, both the High Court and the Court of Appeal are Courts of Record under Sections 60 and 64 of the Constitution and,

⁹ Letter Ref. No. KNA/16/11/Vol. III/(55) dated 29th October, 1990 in file No. KNA/16/11.

theoretically, the records thereof should be preserved in perpetuity: indeed some of the English Law Reports which we have go back to the 16th century and are still relied on by practitioners.

Adherence to this doctrine is, however, impractical for the reason stated in your letter under reference.’¹⁰

Later, the Chief Justice requested evidence to support the Director’s statement that some courts were managing their records very poorly. The Director had the evidence at hand and he gladly submitted the same to the High Court. Soon after, the Chief Justice personally informed the Director that he should, in the future, inform him of the particular courts where non-current records were poorly managed so that he (The Chief Justice) could take the necessary action. What more support did the National Archives want? The results of this dialogue between the Chief Justice, the Registrar of the High Court and the Director of the Kenya National Archives and Documentation Service have been truly tremendous. Each of the three offices have come to appreciate and support the missions of each other. We have come to understand the constraints each stakeholder faces in our efforts to improve the management of court records in Kenya. And even more significantly, we have come to agree that we are in a position to improve the situation even with our present limited resources. It is for these reasons that I must pay special tribute in this case study to Mr A R W Hancox, Retired Chief Justice; E G H Mwera, formerly Registrar of the High Court and now a High Court Judge; and Mr Jacob ole Kipuri, the present Registrar of the High Court for their support to improve the management of court records. This has certainly made a great difference.

Seizing the Opportunity

Support by the Chief Justice and the Registrar of the High Court was not just moral. It was concrete. Earlier, in 1989, the Chief Justice had set the ball rolling by personally supervising the clearance of one of the stores in the basement of the High Court. Look at that enviable support!! Three years later, in 1991, the Registrar of the High Court seized the opportunity and successfully carried out consultations with the Directorate of Personnel Management and the Treasury, consequently, the following posts were specifically established for the Judiciary:-

- 1 post of Assistant Archivist - Job Group ‘J’
- 1 post of Senior Archives Assistant - Job Group ‘H’
- 10 posts of Archives Assistants - Job Group ‘G’.

By the end of 1980s, non-recurrent records in the High Court, Nairobi, were very badly managed. It is therefore no wonder that Mr A R W Hancox, the former Chief Justice personally got involved in supervising the clearance of one of the rooms in the basement through the application of the disposal and retention schedule as provided in the Court Records Disposal Act Cap. 14. More efforts were put in applying the

¹⁰ Letter Ref. no. C.J.12 dated 12th November, 1990 in file No. KNA/16/11/Vol. III.

provisions of the above Act in the same office. Today, the High Court provides a good example of a fairly well organised system for non-current court records. Retrieval is much faster than it used to be. It would, as a matter of fact, appear as if things are set to improve even further in this court. It is noted that an Assistant Archivist and some Archives Assistants were posted in this court and some other courts outside Nairobi. There are also other signals which give us positive indications that the High Court wishes to improve the management of its records further. Discussions have already been held at a high level on ways and means of modernising the Court's records and information systems. In addition, the Director of the Kenya National Archives and Documentation Service submitted a detailed report to the Registrar of the High Court with specific recommendations on records management in 1997. And in September 1998, some senior officers from the High Court visited the Kenya National Archives and Documentation Service to practically see how we manage our holdings. They were led by a Principal Deputy Registrar. The team also included a Chief Magistrate and a Senior Deputy Registrar. After touring the Department, a short meeting was held and it was chaired by the Director of the Kenya National Archives and Documentation Service. These are obviously strong indications to the effect that the Judicial Department continues to recognise good records management as a necessary condition for an efficient judicial system. The Kenya National Archives and Documentation Service is proud to be associated with these very important initiatives.

Improvements were also evident in law courts around the country. The Kitale Law Court provides another good example where the state of records management has greatly improved in recent years - thanks to the support of the senior Judicial Officers and the Archives Assistant. Both the current and non-current court records are well managed. This is also true of Isiolo Court and several other courts. An evaluation report dated 14th August, 1997 by the Provincial archivists, Nairobi Records Centre observed as follows with regard to the management of records at Isiolo District Magistrate's Court:-

‘In my discussions with Mr G K Mutai, I got the impression of a magistrate who is not only very concerned with the prompt and just disposal of cases brought before him, but who is also very keen to ensure the court records are in order and the qualifying ones are disposed of as per the law as soon as they are ready. This was the second time the Isiolo court was seeking to dispose of obsolete case files. The court has already written to the Chief Justice seeking to be permitted to destroy old receipt books for Court fees and related documents.

Cases of missing and misplaced files are unknown in this court. I never came across ‘temporary’ or reconstructed case files which is usually the indicator of the prevalence of missing files.’¹¹

¹¹ Letter Ref. No. NRC/3/2/12(56) dated 14th August, 1997 in file No. KNA/16/11/93.

The High Court in Nairobi, as well as Kitale and Isiolo Law Courts are not the only success stories. There are others. However, there are also many other courts where no significant improvements have been made in spite of our professional advice and the commitment shown by the Chief Justice and the Registrar of the High Court. After about seventy years of neglect during which time the management of non-current records really deteriorated, it would not be reasonable to expect the situation everywhere to improve drastically overnight. This, of course, does not mean that there is no urgency in this matter. However, it is important to realise that different magistrates will place different emphasis on records management at different times - of course depending on special circumstances.

Now, court records form a significant part of the total legal records of a country. There are many others. The records of the Attorney-General's Office, the land title registers (commonly known as title deeds) from the Ministry of Lands and Housing, and records from various legal departments in the public service are also legal records. The list of such materials is long. With the exception of some of the Attorney-General's Office, legal records created or received in public offices are generally well managed. Aside from public legal records, there are also records of individual legal firms which represent a rich source of our national and cultural heritage. We cannot claim to have complete legal archives without them. Some legal firms in Kenya have been in existence for over half a century and their records would certainly serve as useful sources for studying the evolution of our legal system. At the moment, no adequate positive steps have been taken to co-ordinate the preservation of these archives in private hands. And we are not likely going to take the needed action in the near future for these privately held materials. Our hands are already full with public records.

Use of Legal Archives

Any significant exploitation or use of legal archives in Kenya and indeed many other developing countries has not yet occurred. Most lawyers seem to depend largely on law reports and therefore do not seem to see any need to examine the legal archives. This, it is argued, is consistent with the doctrine of precedent. Law reports concentrate mainly on the reporting of decisions of the courts, mainly major and significant cases. Clearly, such reports must be seen as summaries of what transpired in certain cases. The actual substance of such cases usually remains with the court records, which eventually form legal archives. The Kenya National Archives and Documentation Service has many legal records, and especially from the Resident Magistrate Courts. Unfortunately, these have hardly been consulted by lawyers. Why?

As I have demonstrated, non-current records were poorly organised in most of the courts until recently. Obviously, this situation does not promote the use of legal records. Any attempt to access these materials in those early days must have ended with frustrations due to their general inaccessibility. And even more significantly, the Kenya National Archives and Documentation Service had not, until late 1980s, developed a systematic procedure in its acquisition and preservation of these

documents. Therefore, potential users were directly and indirectly discouraged from using non-current court records in the Archives' custody for research or litigation purposes. However, the situation has greatly improved.

Legal records in the National Archive are now well-organised and are easily accessible. At last, we can have the courage to publicise the availability of these records in our custody. We have actually begun doing so and the demand for these materials is expected to gradually increase. At the moment, the usage of these materials is still very low compared to historical and other related disciplines. Therefore, it is necessary for the Kenya National Archives and Documentation Service and the Council of Legal Education in Kenya to sit down together and explore ways and means of encouraging lawyers to use legal archives, especially in broadening their knowledge of the country's legal systems and services. If archivists can get lawyers on their side, they (the lawyers) can also lobby on our behalf. They are well placed to do so. In this way they can help records managers to increase their visibility in society. Obviously, this will create favourable conditions for improved funding for records and archives programmes and activities.

Some Lessons

1. Kenya has a generally good archival legislation and a fair Court Records Disposal Act. However, the presence of these two legislations did not, by themselves, prevent poor records management practices in courts and some other legal offices.
2. Archivists and records managers must ceaselessly seek dialogue with top judicial officers and clearly explain the situation with regard to the management of legal records in general, and court records in particular. If we do not do so, who else will take the challenge? It is significant to note that the Chief Justice was not aware of the deplorable state of records management in many courts until I drew his attention to the matter. Obviously, we cannot get the support of these top judicial officers if we do not seek it. And this can never be a one day's job. It may take a frustratingly long time before country-wide success is achieved.
3. Senior archivists and top judicial officers must realise that no satisfactory solution will be found with regard to effective records management without first developing a favourable environment for good records management in courts and other legal officers. An environment that provides for systematic disposal of legal records must first be developed and regularly implemented. The officers who manage the legal records must be given appropriate training. Whenever possible, a specific cadre of Records Officers (Archives Assistants in the case of Kenya) may be created to focus all their attention on the management of these materials. And they must be provided with the necessary facilities like adequate storage space and equipment.

4. In a medium sized country like Kenya, it will be difficult to service the courts from one central point - the capital. The existence of fairly well resourced Record Centres will facilitate more efficient provision of advisory services on creation, control, preservation and disposal of public records, legal records included. The five Record Centres which are located in Nairobi, Mombasa, Nakuru, Kakamega and Kisumu have not only enabled the Kenya National Archives and Documentation Service to reach courts in almost all parts of the country, but they have also facilitated greater awareness-raising among top Judicial Officers. This is of crucial importance.
5. A grossly under-funded and poorly resourced National Archives will find it quite difficult to effectively get involved in the management of legal records and especially court records which may have experienced years of neglect. On the other hand, a fairly well-funded and well-resourced National Archives will also find its efforts undermined if it lacks the necessary storage space for legal records which may be selected for permanent preservation. What a vicious circle for many developing countries? Shortage of storage space has, however, not seriously dampened the enthusiasm of the senior staff of the Kenya National Archives and Documentation Service.
6. It is necessary to review, on a regular basis, any legislation or administrative arrangements which govern the management of legal records. Failure to do so may lead to reduced efficiency in the management of these documents.
7. And finally, any records management programme for legal records must be able to demonstrate its usefulness, particularly to top judicial officers in terms of savings on storage space and equipment. Even more significantly, the actual benefits in terms of efficient retrieval of records whenever needed must be clearly seen. This must also be accompanied by a drastic reduction or even absence of cases related to missing and lost files. This, in the final analysis, is what matters most.

Appendix A

The High Court of Kenya
P. O. Box 30041,
NAIROBI

Kenya National Archives
P. O. Box 49210,
NAIROBI

24th October, 1986

To All Magistrates,

Disposal of Papers Relating to Criminal Proceedings - Reduction of Retention Period from 12 Years to 3 Years

We wish to draw your attention to item 3 of the First Schedule of the Records Disposal Act Chapter 14 on the disposal of papers relating to criminal proceedings. The retention period for these papers was, in 1979, reduced from twelve (12) years to three (3) years Records surveys carried out by the National Archives in various courts clearly show that magistrates have not complied with this particular requirement. As a result, many valueless court records are still occupying valuable space and equipment in most of the courts, contrary to paragraph (c) of the Chief Secretary's Circular Ref. No. OP.1/48A/66 of 28th November, 1985. Copies of this circular may be obtained from the Chief Archivist. The Registrar of the High Courts of Kenya is also gravely concerned about the non-compliance of the Judicial Department's Circular to Magistrates No. 3 of 1969 dated 10th February, 1969. This Circular outlines the procedure which must be followed in destroying valueless records. Stations which do not have the Circular may request for copies from the Registrar of the High Court of Kenya.

In order to rectify the present unsatisfactory situation, you should take immediate disposal action in accordance with the Legal Notice No. 183 of 27th August 1979, and as instructed in the Chief Secretary's Circular. Thereafter, continue to take action as and when necessary.

M J Batt
SENIOR DEPUTY REGISTRAR
FOR : REGISTRAR
HIGH COURT OF KENYA

M Musembi
CHIEF ARCHIVIST
KENYA NATIONAL ARCHIVES

Appendix B

Seminar on Records Management For Executive Officers Working In Courts - Nairobi, 21st To 22nd February, 1991: Recommendations

- 1 The participants recommended that the Chief Justice may wish to consider to remind Resident Magistrates to give greater attention to the management of court records. It was noted that the management of non-current court records is not satisfactory in some courts.
- 2 It was recommended that Magistrates should ensure that all court records due for destruction are promptly destroyed in accordance with the Records Disposal Act Cap. 14 in order to avoid uneconomical usage of office space and equipment.
- 3 Executive Officers must ensure that non-current records are properly maintained in line with the instructions contained in the Office of the President's circular letter Ref. No. 1 OP.1/48A/66 of 28th November, 1985.
- 4 Registers for civil, criminal and traffic cases, and all other records which need to be permanently preserved must be well safeguarded by the courts until the time when they may be transferred to Kenya National Archives and Documentation Service.
- 5 It was strongly recommended that the disposal of exhibits (objects) be determined and made at the earliest time possible - possibly by the time of a judgement of a particular case.
- 6 The existing Archives Assistants' posts should be filled at the earliest time possible.
- 7 The Registrar of the High Court and the Director of the Kenya National Archives and Documentation Service should consider the possibility of organising similar seminars (meetings) for other Executive Officers and Executive Assistants working in the courts.

Storage/Preservation Case Study: Responding Effectively to Disaster

Ann Pederson¹

Introduction and Instructions

The case study which follows was developed from experiences of actual disasters. Although the scenario may seem ‘dramatic’, the problems and actions described are representative of all significant emergencies. Your goal in undertaking this case study is to learn how to respond quickly and effectively when disaster strikes and how to plan to prevent or minimise the impact of disasters that may occur in the future. Using case study exercises helps learners develop the following managerial skills:

- identifying and analysing problems
- understanding and interpreting data
- identifying and utilising authoritative and accurate sources of information
- understanding and recognising assumptions and inferences, as opposed to concrete facts
- thinking analytically and critically
- understanding and maximising the productivity of interpersonal work relationships
- exercising and making judgements
- communicating ideas and opinions
- making and defending decisions.

¹ Ms. Ann Pederson is a Senior Lecturer in Archives Administration and Records Management in the School of Information, Systems, Technology & Management at The University of New South Wales in Sydney, Australia.

Born and educated in the USA, Ann holds BA [Hons.] and MA degrees in history and is a qualified secondary teacher. She spent ten years with the Georgia Department of Archives and History in a number of capacities, including five years as Director of the Archives Division, with responsibility for all archival functions.

Her professional achievements include prime responsibility for the first edition of *Keeping Archives* (1987) and principal authorship of *Documenting Society* (1998), a multimedia training course in archives/records management. She represents Australia on the Steering Committee of the Section on Archival Education and Training of the International Council on Archives (ICA/SAE) and is both a Fellow of the Society of American Archivists (SAA) and a Laureate of the Australian Society of Archivists (ASA).

Objectives

The Somewhere City Council Disaster Case Study will enable students undertaking it to

- improve their understanding of key concepts, techniques and procedures used in disaster minimisation and response
- demonstrate their capability and skill
 - ◊ in analysing and designing a professionally appropriate response to an emergency situation involving severe wind and water damage
 - ◊ in identifying and rectifying problems and management errors that led to or exacerbated the emergency.

The Case Study: Disaster Strikes Somewhere City Council

Somewhere City Council Administration is housed in a U-shaped complex of buildings which are currently undergoing modification to add two new stories. Council contracts called for construction to take place without shifting or interrupting Council services. The facility houses the Municipal Library, City Engineer's Office, Building and Planning Department, Central Records Section and the electronic data processing (EDP) and telephone switchboard and network exchange (PABX) Centres.

It was a stormy weekend with torrential, wind-driven rain that occasioned disaster.

On the previous Friday, the original roof of the buildings had been removed. A waterproof substance was applied then covered with a heavy plastic sheeting in anticipation of awaiting re-roofing. Sometime over the weekend the answering service for the Council contacted Council's Rangers/Security Officers as they were experiencing problems with calls forwarded from the PABX. The Rangers visited the site but could not enter as they did not have keys. They tried to contact the Town Clerk or his designated officer with appropriate keys but were unable to reach either. It was not until late on Sunday afternoon that entry was finally gained. The building was awash throughout. The stairwells resembled waterfalls; water flowed freely down walls. Ceiling tiles had fallen and were crumbling everywhere. Carpet tiles floated through the building. Water was pouring onto the PABX and the two main computer servers which were still going.

The State Emergency Service (SES) was called. They discovered that the plastic sheeting covering the roof had shredded in the wind, exposing several large areas and allowing massive water penetration. They secured the building roof with tarpaulins, covered as many desks, tables and shelves as possible with plastic sheeting and cut off the power.

Blissfully unaware, the staff of the affected offices arrive at work Monday morning to stacks of sodden files, and wet scattered debris left by the now subsided water. Rain is still falling and the temperature inches upwards towards 23 degrees. Some people

begin dragging wet drapery and carpeting out of the building; others sort through the wet mess on their desks. Many stand stunned with disbelief.

The Town Clerk gathers the senior staff of the affected areas together in the Council chambers (unaffected) to diagnose the situation. The Information Resources Manager Bill Jones had driven up from the country in the early hours and had been the first to enter the wet, dark building. Realising immediately that a disaster was in progress, he unlocked the main doors and made a quick torchlight tour of the flooded areas. He reported that the storage areas for Buildings and Plans and Central Records were badly affected. Boxes containing files were wet, about 20% were soaked through. Building plans that had been rolled up on open shelving were sodden and those with cloth backing were separating. The Library was also damaged. The local studies collections of manuscripts and photographs were damp; microfilm reels and boxes were floating in their cabinets and the shelving holding modern adult fiction, art books and other serials collections had collapsed, dumping the volumes into the water. The map cabinets in the damaged area were wet on top but seemed okay. In the EDP and PABX area, several boxes of back-up disks were filled with water; general ledger printouts were thoroughly drenched and disintegrated on handling. In all, some 20 metres of record material and about 3,500 volumes and 2,000 serials has suffered some type of damage.

Also at the meeting is the building company representative who is most concerned and offers the company's full co-operation in the salvage and repair operation. He suggests converting the library reading room adjoining the damaged area into a salvage centre. He would supply extra tables, shelves and fans, even a couple of microwaves for rapidly drying books and loose papers. He confirms that his insurance will cover all documented repair and recovery expenses and gives the name and number of the agent. The Town Clerk thanks him and accepts his offers of assistance.

Several section heads express the need to conduct Council business and resume major services as the first priority. They discuss relocating public enquiries, relocating the cashiers, finding places for the staff to work and dealing with the builders and insurance company. Most are not very concerned about the wet records or books. It did not help that some of the builder's workers had told them that everything would dry out when the air conditioners were turned on. Everyone starts talking at once - expressing anger, the need to 'get started' and 'go back to work'. Some leave the meeting, return to their desks, and begin throwing things out. It is obvious that they are all frustrated and upset.

At this point, the Town Clerk appoints Bill Jones to organise the record and library materials salvage operation and leaves the meeting. Bill Jones turns to you and says 'you know something about preservation. Devise a step-by-step plan of action for me to approve.'

How will you proceed?

INSTRUCTIONS: Prepare your explanation and comments in 4 parts:

- 1 **Introduction:** Describe how you will go about preparing yourself to write an effective plan.
- 2 **Plan:** Prepare an annotated outline of the requested plan, setting out the steps, considerations and priorities, *briefly* explaining in each instance what action is required, why and how it should be carried out. *Use point form with short phrases, rather than complete sentences.*
- 3 **Recommendations:** Make a list of recommendations which will identify and correct the problems which contributed to the disaster and which will enable the Council to cope more effectively with future emergencies.
- 4 **Bibliography:** Recommend several readings [up to 5] you actually used in completing this assignment. Give the complete bibliographic citation and write 3-5 sentences explaining the value of each source.

The first three parts of your assignment should not exceed 1500 words. Remember, you may *use point form with short phrases, rather than complete sentences.*

Somewhere City Council Preservation Case Study

Instructor's Notes

Discussion or Study Questions

The goal here is to enable students to draw out the major points that they need to 'solve' the case study.

A What were the main and secondary causes of damage?

Suggested responses: wind and water were the actual damaging agents, but poor planning, no emergency response training, lack of communication and the timing of the storms made the damage much worse.

B What would you recommend as the first 3 steps to be taken in this situation?

Suggested responses:

- 1 Contact leading archives/public library authorities for emergency advice/assistance from their preservation departments.
- 2 Obtain immediate services of a conservator knowledgeable AND experienced in disaster recovery of archival and library materials (the full range of media).
- 3 Obtain advice on what to do immediately to stabilise conditions and buy time to prepare a reasoned plan. Sources to be consulted are:
 - a) Emergency Service personnel (Safety First)
 - b) Industrial relations advisors (re who can be directed to do what activities under emergency conditions) + key management (obtain necessary authorities to obtain space, equipment and supplies, select and direct staff and act + set up 2-way information conduit)
 - c) Insurance representatives (documentation of damage for claim support)
 - d) Professional conservators (stabilisation, salvage recovery - best steps in what order)
 - e) Key disaster recovery literature (Buchanan, Waters, McIntyre, etc.).

C Identify 3 or 4 major 'clusters' of related problems that require action and list the steps you would take in solving them.

Suggested responses:

- Identify and obtain appropriate advice and expertise.
- Stabilise, assess and plan.
 - a check safety/security and insurance
 - b quarantine area and make sure it is safe to enter and to begin work survey damage with Leadership Team above (salvage conservator, SES rep, insurance rep. etc.). TAKE PHOTOS
 - d draft plan for immediate action.
- Assemble key personnel and make TO DO, TO ORGANISE and TO OBTAIN lists; delegate leaders for ‘doing’, ‘obtaining’ and ‘setting up and supporting’, ‘communicating/liaising’ and ‘record keeping’.
- Set up ‘command centre’ (library reading room) to deal with management, press, public: overall co-ordination of record making and keeping. Set up communications structure.
- Obtain, manage, schedule and support staff and volunteers.
- Assemble and Brief Teams: Delegate key responsibilities and take actions:
 - a) stabilise damage area and start fans and pumps to remove water. Remove non-record debris and moisture retaining furnishings (carpets, drapes, furniture)
 - b) set up and equip Removal Operations (Library, Records, PABX) and re-supply as required
 - c) set up and equip: Sorting and Packing Area, including teams to take to freezer trucks and to drying area; re-supply as required
 - d) set up and equip a Drying Area and re-supply as required
 - e) set up an Equipment/Removal/Storage/Repair/Rehabilitation Team (an area for items to be stored pending repair).

D One of the major issues here might be described as ‘managing people’. What are some of the difficulties you would envision and how would you suggest handling them?

Suggested responses:

- Calming down fear and anger, keeping people from going off in unhelpful directions and turning energy into productive thought and action.
- Getting *skilled and effective* people together on a Leadership Team/Task Force to plan and implement recovery. The suitable members of Team include
 - ◊ you (as co-ordinator/leader or chief advisor to co-ordinator/leader)

- ◇ conservation Expert in disaster recovery
- ◇ key staff from affected areas
- ◇ building Manager
- ◇ safety expert
- ◇ council Administrator (key to emergency money and authority)
- ◇ insurance representative
- ◇ note-taker and photographer.

E What media were damaged and what does the literature recommend for dealing with the damage described?

Suggested responses:

Get students to list media, then what scenario says is being done with them. Assign each student one or more types of material and have him/her go to literature and make notes, come back to class and participate in fleshing out the chart on the board.

MEDIA	Situation in Scenario	Literature: Initial Action to Minimise Damage	Literature: Later Action to Restore Usability
loose paper records			
bound paper volumes (damp)			
bound paper volumes (soaked)			
paper files in boxes			
microfilm			
books with coated paper			
photographs			
Magnetic tape			
Computer disks			

F What should be done after the immediate crisis is past to prevent such a scenario from recurring?

Suggested responses:

- Need for Disaster Plan development, implementation and updating. Give key elements that a thorough plan would include some clear idea of major points to be addressed, identifying particular things that went wrong, such as
 - 1 better provisions for protection during repair and construction (regular checking during weekend, no such work in future over weekend)
 - 2 measures to ensure keys are available for emergencies
 - 3 procedures to ensure rapid response capability in any emergency
 - 4 staff education and emergency drill programme for disasters
 - 5 identification of hazards inside and outside building
 - 6 water detection alarms
 - 7 vital records protection, including catalogue and finding aids for records
 - 8 proper protection and backup of computers and disks.

Relevant Sources

Anderson, Hazel, and John E McIntyre. *Planning Manual for Disaster Control in Scottish Libraries & Record Offices*. Edinburgh: National Library of Scotland, 1985. Available from The National Library of Scotland, George IV Bridge, Edinburgh EH1 1EW, Scotland.

ARMA International *Guideline for Records and Information Management: Magnetic Diskettes -- Recovery Procedures*. Prairie Village, KS: Association of Records Managers and Administrators, Inc., 1987. ARMA International, 4200 Somerset Drive, Suite 215, Prairie Village, KS 66208 USA

Barton, John P., and Johanna G Wellheiser, eds. *An Ounce of Prevention: A Handbook on Disaster Contingency Planning for Archives, Libraries and Record Centres*. Toronto: Toronto Area Archivists Group Education Foundation, 1985. Available from Canadian Archives Foundation, PO Box 97, Station F, Toronto, Ontario, M4Y4L4 CANADA.

Brooks, Constance. *Disaster Preparedness*. Washington, DC: Association for Research Libraries, 1993. Association of Research Libraries, Euram Building, 21 Dupont Circle, NW, Suite 800, Washington, DC 20036 USA (202-296-2296, fax: 202-872-0884)

Buchanan, Sally A. *Disaster Planning: Preparedness and Recovery for Libraries and Archives -- A RAMP Study with Guidelines*. Paris: UNESCO, 1988. Order from UNESCO, Maison de l'Unesco, 7 Place du Fontenoy, Paris F75007, France.

Conservation Center for Art and Historic Artefacts. *Managing a Mold Invasion: Guidelines for Disaster Response*. Philadelphia: CCAHA, 1994. Available from CCAHA, 264 South 23rd St Phila, PA, USA (215-545-0613, fax: 215-735-9313).

Eulenberg, Julia Niebuhr. *Handbook for the Recovery of Water Damaged Business Records*. Prairie Village, KS: Association of Records Managers and Administrators, 1986. Available from ARMA International, 4200 Somerset Drive, Suite 215, Prairie Village, KS 66208 USA

Fortson, Judith. *Disaster Planning and Recovery: A How-To-Do-It Manual for Librarians and Archivists*. How-To-Do-It Manuals for Libraries, No. 21. New York: Neal-Schuman, 1992. Order from Neal-Schumann, 100 Varick St, New York, NY 10013 USA, (212-925-8650, fax, 212-219-8916) Also available from Society of American Archivists, 527 S. Wells St, 5th Floor, Chicago, IL, 60607 USA. (312) 922-0140, info@archivists.org, <http://www.archivists.org/publications/>

Parker, Thomas A 'Integrated Pest Management for Libraries.' In *Preservation of Library Materials*, ed. Merrily A Smith, pp. 103-123. IFLA Publications 40/41. Munich: K. G. Saur Verlag, 1987. Available from K. G. Saur, 121 Chanlon Rd, New Providence, NJ 07974 USA (800-521-8110, fax 908-771-8984)

Primer on Disaster Preparedness, Management, and Response: Paper-Based Materials. Washington, DC: Smithsonian Institution, National Archives and Records Administration, Library of Congress, and National Park Service, 1993. Available online: CoOL (Conservation OnLine) URL:

<http://palimpsest.stanford.edu/bytopic/disasters/>

SOLINET Preservation Services. 'The Invasion of the Giant Spore.' *SOLINET Preservation Leaflet #5*. Atlanta: SOLINET, January 1997. Available from SOLINET Preservation Services, 1438 W. Peachtree Street, NW, Suite 200, Atlanta, GA 30309-2955 USA(800-999-8558).

Trinkley, Michael. *Can You Stand the Heat? A Fire Safety Primer for Libraries, Archives and Museums*. Atlanta, GA: South-eastern Library Network, 1993.

Trinkley, Michael. *Hurricane Surviving the Big One: A Primer for Libraries, Museums and Archives*. Columbia, SC: Chicora Foundation, 1993.

Upton, M S and Colin Pearson, (1978) *Disaster Planning and Emergency Treatments in Museums, Art Galleries, Libraries, Archives and Allied Institutions*. Canberra: Institute for the Conservation of Cultural Material Inc.

Walsh, Betty. 'Salvage Operations for Water Damaged Archival Collections: A Second Glance'. *WAAC Newsletter* [Western Association for Art Conservators] 12 (May 1997): 12-23. Issue features a 17'x 22' foldout summary chart of salvage guidelines printed on a waterproof and stain resistant synthetic paper. Copies of the Salvage at a Glance chart are available by contacting Chris Stavroudis, email: cstavrou@ix7.ix.netcom.com

Some Tips to Give Students

1. Identify all the things that went wrong or were damaged as a result of the storm.
2. Looking at what went wrong, try to list what actually caused the thing to happen and then for each cause, think about how it might have been prevented or could be prevented in future.
3. Go to the library and search for books and articles under the topics 'preservation planning', 'disaster and minimisation or response or recovery', read those articles/chapters/sections that deal with water damage to find out what advice experts give on
 - how to deal with an emergency situation involving storm or flood damage
 - how to handle and salvage damaged records and important documents in various media
 - what plans and actions are recommended to prevent or minimise such disasters.

Suggested Marking Guidelines

Overall work set out in easy to follow, annotated outline format, in order of what would be done in sequences.

PART I. 20%

- 1 Contact leading archives/public library authorities for emergency advice/assistance from their preservation departments.
- 2 Obtain immediate services of a conservator knowledgeable AND experienced in disaster recovery of archival and library materials (the full range of media).
- 3 Obtain advice on what to do immediately to stabilise conditions and buy time to prepare a reasoned plan. Sources to be consulted are
 - a Emergency Service personnel (Safety First)
 - b Industrial relations advisors (re: who can be directed to do what activities under emergency conditions) + key management (obtain necessary authorities to obtain space equipment and supplies, select and direct staff and act + set up 2-way information conduit).
 - c Insurance representatives (documentation of damage for claim support)
 - d Professional conservators (stabilisation, salvage recovery - best steps in what order)
 - e Key disaster recovery literature (Buchanan, Waters, McIntyre, etc.).
- 4 Assemble Leadership Team/Task Force to help you plan and implement recovery. Members of Team include

- you
 - conservation Expert in disaster recovery
 - key staff from affected areas
 - building Manager
 - safety expert
 - council Administrator (key to emergency \$\$ and authority)
 - insurance representative
 - note-taker and photographer.
- 5 Stabilise, assess and plan:
 - a check safety/security and insurance
 - b quarantine area and make sure it is safe to enter and to begin work
 - c survey damage with Leadership Team above (salvage conservator, SES rep, insurance rep. etc.) TAKE PHOTOS
 - d draft plan for immediate action.
 - 6 Assemble key personnel and make TO DO, TO ORGANISE and TO OBTAIN lists; delegate leaders for ‘doing’, ‘obtaining’ and ‘setting up and supporting’, ‘communicating/liaising’ and ‘record keeping’.
 - 7 Set up ‘command centre’ (library reading room) to deal with management, press, public - overall co-ordination of record making and keeping. Set up communications structure.
 - 8 Obtain, manage schedule and support staff and volunteers.

PART II. THE PLAN 20%

SEQUENCES AND SOME CONCURRENT TASKS:

- 1 Assemble and brief teams.
- 2 Delegate key responsibilities:
 - a Stabilise damage area and start fans and pumps to remove water. Remove non-record debris and moisture retaining furnishings (carpets, drapes, furniture)
 - b Set up and equip removal operations (Library, Records, PABX) and re-supply as required.
 - c Set up and equip: Sorting and Packing Area, including teams to take to freezer trucks and to drying area; re-supply as required.
 - d Set up and equip a Drying Area and re-supply as required.
 - e Set up an Equipment/Removal/Storage/Repair/Rehabilitation Team (an area for items to be stored pending repair).

3 Begin work on all tasks in all areas concurrently.

YOUR TEXT SHOULD INCLUDE DISCUSSION OF

- safety
- conditions suitable for mould growth (referencing climbing temperature, etc)
- freezing to obtain time. Arranging freezing services and transport of material. What to freeze and what not to freeze
- Setting priority for removal, replacement, salvage of material
- caution in use of adjacent library reading room ie wet materials there meant non-damaged materials in rest of building could be contaminated by mould
- appropriate handling and drying methods for different media and different degrees of wetness
- thorough evacuation of damage area - sterilisation and drying periods to ensure no residual damp before returning materials.
- re-shelving of dry materials
- post-salvage evaluation
- thanks to helpers.

SOME POINTS TO RAISE: 20%

- use of microwave (definitely not)
- map cabinets first 'damp on top' - should evacuate and dry thoroughly
- need to take steps to allow council business to resume/continue
- urgent salvage of back-up discs for possible reconstruction of lost records and resumption of services
- whether general ledgers were re-constructable from computer data tapes or not
- cost and possibility of replacement vs. salvage and repair of published materials
- importance of record making and keeping during removal and salvage.

PART III. RECOMMENDATIONS. 25%

- Need for disaster plan development, implementation and updating. Give key elements that a thorough plan would include
- Some clear idea of major points to be addressed, which references particular things that went wrong, such as
 - 1 better provisions for protection during repair and construction (regular checking during weekend, no such work in future over weekend)
 - 2 measures to ensure keys are available for emergencies
 - 3 procedures to ensure rapid response capability in any emergency

- 4 staff education and emergency drill programme for disasters
- 5 identification of hazards inside and outside building
- 6 water detection alarms
- 7 vital records protection, including catalogue and finding aids for records
- 8 proper protection and backup of computers and disks.

PART IV. BIBLIOGRAPHY. 15%

Presence of 6-10 leading works, particularly Buchanan, Anderson and McIntyre, Barton and Wellheiser, Fortson, Upton and Pearson.

Appraising the Records of the Australian Shipbuilding Engineers Association (ASEA)

Ann Pederson¹

You are the archivist in charge of private records at the National Archives. This section was created in order to acquire and preserve the records of private companies, institutions, associations, families and individual citizens that have played a significant role in the development of the nation and its affairs. One of the special strengths of your holdings is maritime enterprise, because the sea and its harvest have been key to national development.

In recent weeks, you have been approached by members of the Australian Shipbuilding Engineers Association (ASEA) to advise them on the disposition of 75 years of documentary materials that have accumulated in their headquarters building, which has just been sold and will be demolished to make way for a waterfront apartment development. The association wants to deposit its archives in your care and have made a list of the major types of records they hold. While they and you both realise that you will need to do a thorough inventory and appraisal of the records at a later time, they have asked you to prepare some preliminary disposal recommendations for them to discuss at an upcoming meeting of the executive board. The secretary has requested that you present your findings in the format shown in Appendix 1, so that it will be easier for them to understand your suggestions.

¹ Ms. Ann Pederson is a Senior Lecturer in Archives Administration and Records Management in the School of Information, Systems, Technology & Management at The University of New South Wales in Sydney, Australia.

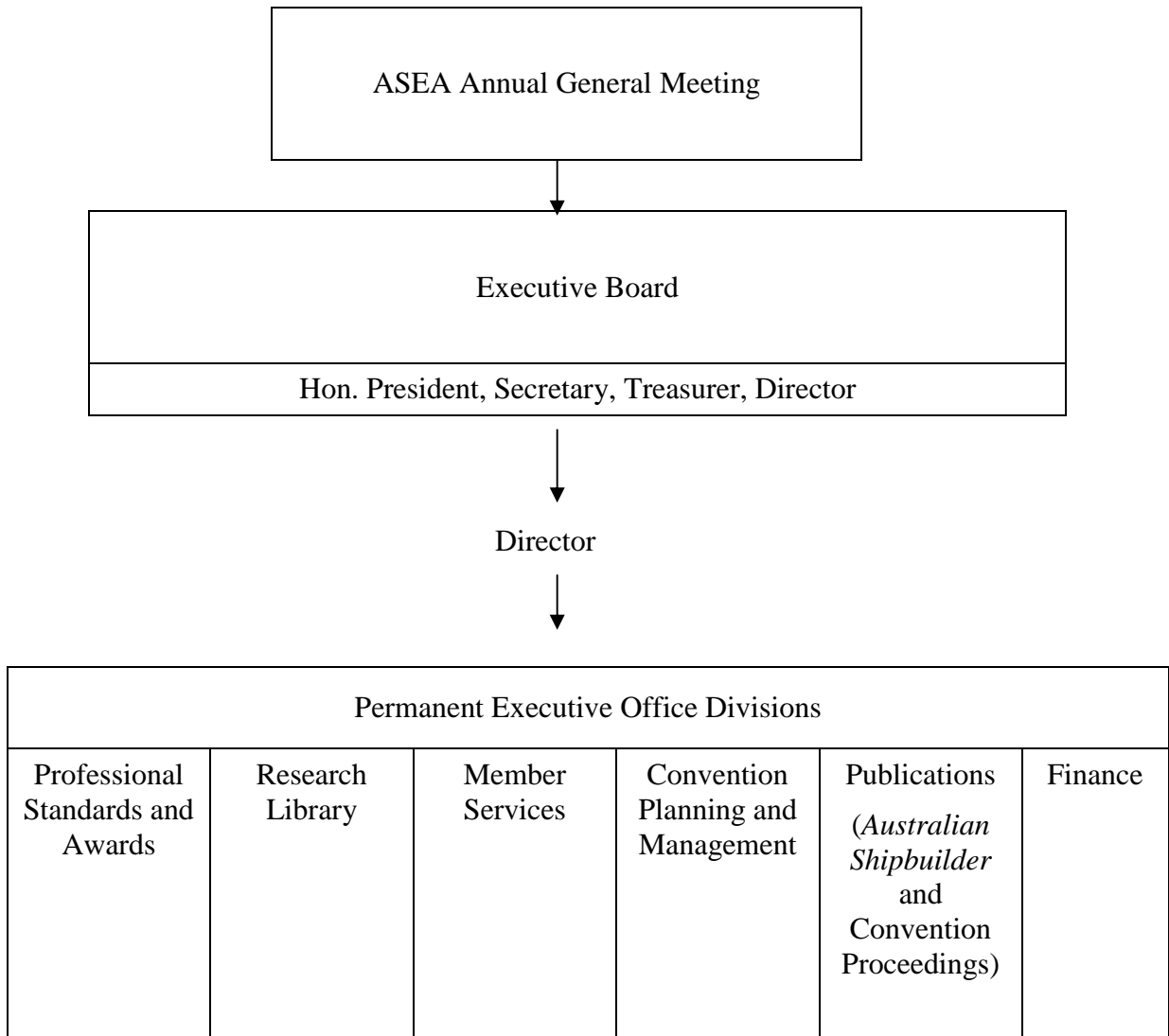
Born and educated in the USA, Ann holds BA [Hons.] and MA degrees in history and is a qualified secondary teacher. She spent ten years with the Georgia Department of Archives and History in a number of capacities, including five years as Director of the Archives Division, with responsibility for all archival functions.

Her professional achievements include prime responsibility for the first edition of *Keeping Archives* (1987) and principal authorship of *Documenting Society* (1998), a multimedia training course in archives/records management. She represents Australia on the Steering Committee of the Section on Archival Education and Training of the International Council on Archives (ICA/SAE) and is both a Fellow of the Society of American Archivists (SAA) and a Laureate of the Australian Society of Archivists (ASA).

Categories of Documentary Materials Identified by ASEA Officials:

- 1 Agenda and Minutes of the ASEA Meetings, monthly
- 2 *Australian Shipbuilder*, the journal of the ASEA
- 3 Certificates of Honorary Membership in ASEA
- 4 Drawings of Ship Machinery and Equipment Designed/Patented by ASEA Members
- 5 Letters Addressed to Honorary President, ASEA
- 6 Letters Sent by the ASEA Director, copies
- 7 Lists of ASEA Members
- 8 Members Files (consisting of completed individual application forms, professional activity diaries, news cuttings, photos)
- 9 Minutes of ASEA Executive Board Meetings, quarterly
- 10 Papers presented at ASEA Annual Convention
- 11 Photographs taken at ASEA Conventions, unidentified
- 12 Proceedings of the ASEA Annual General Meeting and Convention
- 13 Professional Membership Application Forms
- 14 Programmes and Handouts from Annual Meetings of the International Federation of Shipbuilding Engineers (IFSE)
- 15 Receipt Books
- 16 Reports, Annual
- 17 Treasurer's Reports, monthly
- 18 Vendor's Catalogues, Handbooks and Repair Manuals for many and varied types of marine vessels and equipment

Basic Organisational Chart of ASEA



Case Problem One

Identifying and/or Assigning Appropriate Provenance for Each Record Series

The ASEA wants you to begin your work by identifying the officers or work units responsible for each of the 18 categories of material that correspond roughly to record series. In archival terms, you are to identify or, if there is more than one choice, recommend the appropriate provenance: that is, the official or work unit that would be likely to have been responsible for creating/managing and keeping each of the record series on the list. Some work units may be responsible for several of the series. In some cases more than one option could be suitable so you will need to think carefully to select the office or official that is more appropriate and explain your reasons.

WORK UNIT OR OFFICIAL	Record Series No. and Short Title	Reasons
Annual General Meeting of Members		
Executive Board		
Director		
Honorable President		
Secretary		
Treasurer		
Professional Standards and Awards		
Member Services		
Finance		
Research Library		
Publications		
Convention Planning and Management		

Case Problem Two

Recommending and Justifying Disposal or Retention for Each Series

Not all of the material identified by the ASEA can or should be kept permanently. Your recommendations to keep or to discard any particular series will be based on its meeting one or more of the following criteria:

- record created by or has had substantial actions by ASEA arising from it
- custodial or managing entity is a significant official or work unit of ASEA
- records are the only, the best and/or the most authoritative record of an important work activity of ASEA
- record reveal important information about persons associated with ASEA
- the record series documents substantive managerial decisions, operations and/or transactions of ASEA
- the records are identified.
- the records are unique
- the records document the 'public face' of the ASEA.

See Appendix 1 for a sample of a checklist of appraisal criteria suitable for private records.

Selected Readings on Appraisal

Boles, Frank. *Archival Appraisal*. New York: Neal-Schuman, 1991.

Ham, Gerald F. *Selecting and Appraising Archives and Manuscripts*. Chicago, IL: Society of American Archivists, 1994.

Reed, Barbara. 'Appraisal and Disposal,' in Ellis, Judith, editor. *Keeping Archives*. Port Melbourne, VIC: D.W. Thorpe, 1993. pp. 157-207.

Samuels, Helen. *Varsity Letters*. Metuchen, NJ: Scarecrow Press, 1992.

Schellenberg, T. R. 'The Appraisal of Modern Public Records,' in Daniels, Maygene and Timothy Walch, editors. *A Modern Archives Reader*. Washington, DC: NARA Trust Fund, 1984. pp. 57-70.

Appendix 1

General Appraisal Criteria Checklist Relating To Archival Values

No. of Pages 1 of ____
including attachments

PROVENANCE:
SERIES/COLLECTION TITLE:
DATES AND QUANTITY:

1 Criteria Relating to the Documentary & Research Values of the Material

Criteria EXPLAIN & RATE FROM 1 (low) to 5 (high) to reflect EXTENT

- A Are the creators of the records/collection historically significant (in their own time or from present perspective)?
- B Do the types of records or the information they contain reveal the historically significant work of the creators? EXPLAIN FOR EACH TYPE OF INFORMATION THAT APPLIES:
- 1 Establish or document authority, legal status, or civil/ property rights (vital - records)?
 - 2 Direct action?
 - 3 Describe structure, policy or procedures?
 - 4 Explain, document, or report action?
 - 5 Provide evidence of fiscal responsibility?
- C Do the records and information therein represent the best quality of archival material? EXPLAIN FOR EACH CATEGORY THAT APPLIES:
- 1 Uniqueness (no other copies, forms, not published)?
 - 2 Information content is insightful, revealing, candid, authentic?
 - 3 Represents 'best version' of material or information?
 - 4 Compactness (value for volume)?
 - 5 Most useable/understandable form or format?
 - 6 Most complete/fills critical gap(s)?
 - 7 Soundness of condition?
- D Does the record series/collection fall within established research interests or developing trends for research?
- E Does the record series/collection represent the only surviving documentation of the work of its creator?

Appraisal Criteria Checklist Page 2

SHORT TITLE PROVENANCE:

SHORT TITLE SERIES/COLLECTION:

II Criteria Relating to the Purpose and Scope of the Repository

Criteria **EXPLAIN & RATE FROM 1 (low) to 5 (high) to reflect EXTENT**

- A Does the preservation of the record series/ collection fall within the mandated responsibilities of the repository?
- B Does the record series/collection substantially complete or complement archival materials already held by the repository?
- C Are any parts of this record series/collection or any-closely related original material held by another archival repository? IF 'YES' ATTACH NAME OF REPOSITORY(IES) WITH DESCRIPTIONS OF HOLDINGS.
- D Will the processing necessary to preserve and make the record series/ collection available be able to be accomplished within a reasonable period of time WITH RESPECT TO:
- 1 Current staff, space, and equipment?
 - 2 Pre-existing commitments for processing other materials?
 - 3 Repository priorities?
- E Do the costs of the work described in D above diminish the value of the record series/collection to the repository?
- F Do the terms of deposit or of access to the record series/collection provide impediments that reduce the value of having them in the repository?
- G Do any 'other factors' affect the appraisal of archival values of this record series/collection? IDENTIFY, EXPLAIN, AND RATE BELOW.

III Overall Numerical 'Score' and Summary Retention / Disposal Recommendation AND / OR Terms of Deposit.

Instructor's Notes

Learning Objectives

- 1 Understand and apply the basic principles, criteria and decision sequences that comprise the identification and appraisal of records as archives.
- 2 Appreciate the complexity and co-operative nature of the acquisition process and the importance of accurate disposal-related information to effective programme planning and management.

Comments

General

The assignment instructions stated that the two sheets (PART ONE = retain; PART TWO = dispose) were to be set out neatly and clearly as an overhead for discussion of your recommendations with the ASEA Executive Board. In such an instance I would expect to find paper and complete names of creators and of series with clear, concise explanations about reasons for retention/disposal, suitable for lay people unfamiliar with records appraisal. Therefore, I marked papers down that were vague, full of jargon and which assumed considerable knowledge on the part of the reader.

Research Library collections are also being 'appraised'. Sending material to the library is not a final decision. What happens to it after that? Will it be retained indefinitely? What if the organisation goes out of existence? Will all collections be tossed out? Should some special ones be retained and deposited with archives or another agency which collects marine objects and equipment ie a museum. These matters should be discussed under the 'Further Recommendations' section on each form.

Letters Sent and Letters Received from Director and President, respectively. 'Further Recommendations' should have indicated necessity to locate the other side of this correspondence, first by checking organisation premises again and second by instituting steps to see that both sides are captured in the future. It is important to realise the importance of the relationship between appraisal of existing accumulations and the development of retention/disposal recommendations for future receipts of continuing series.

Minutes. There are several sets of minutes. Therefore 'Further Recommendations' needs to note the need to sort out their provenance and relationships and, perhaps, to select among them the most representative record rather than retain them all, if from the same creator.

Comments on Part One: Records Proposed for Retention as Archives

These records are arranged numerically by organisational authority/hierarchy and then thereafter by record importance which is a useful way to present them for discussion.

12 ASEA Annual General Meeting. Proceedings of AGM and Convention

Factors/Justification: Major document of planning, policy, structure of ASEA. Convention proceedings include papers which reflect interests and issues of ASEA.

Decision: Retain two copies (security and reference copy). If unpublished, keep signed original manuscript set as security copy and a minimum of one duplicate for reference purposes. Keep in head office for use of director and board. If published, verify published copies, return signed originals and one published copy as security and keep a published reference set. Dispose of published duplicates over 5 years. Additional reference sets should be available in the research library (full set) and to the Convention Planning/Management Committee for format and content ideas in future years. *NOTE:* this series may be listed under AGM or under publications. The records are actually created by AGM, the physical product is packaged by publications.

ASEA. Executive Board.

a) Records Created

16 Reports. Annual.

Factors/justification: Major overview of structure, policy and accomplishments of ASEA. Summary record that provides 'leads' into more detailed series.

Decision: Retain two copies (security and reference). Duplicate to be kept in head office for use by director and executive board. An additional reference set should be in the library and in the publications section (to produce future reports). A supply of additional copies (past 5 years) may be kept in publications for distribution on request.

9 Minutes. Quarterly.

Factors/Justification: Major record of executive actions and decisions; contain reasons supporting decisions.

Decision: Retain 2 copies (security and reference), the latter to be kept in the head office or for use by director and executive board.

b) Records Received

5 Honorary President. Letters Received.

Factors/Justification: Letters to top elected official or organisation indicate issues of concern to members and outsiders. Only incoming correspondence series.

Decision: Retain.

1 Agenda and Minutes of ASEA Meetings. Monthly.

Factors/Justification: It is not clear if the national organisation has branches or chapters which meet monthly in multiple places or whether there is only one monthly meeting in one place. These are the only records which document grass roots level of operation throughout the year. It is also unclear whether branches, if any, publish report news to the journal or prepare annual reports. If they do either or both in reasonable detail affect the decision to retain.

Decision: Retain, two sets (security and reference) pending further review. Local branches, if any, also retain one set for reference.

6 ASEA Director. Letters Sent (copies).

Factors/Justification: As the ongoing chief executive, this individual represents the organisation in all contracts, commitments, position statements, etc. These letters would reflect the *spirit* as well as the substance of the organisation's position. It is there that most substantive issues would be discussed in the executive board. Minutes and in some instances actual letters would be presented for review/approval by the board or tabled for the record. This is only series documenting the director.

Decision: Retain.

3 ASEA Professional Standards and Awards. Certificates of Honorary Membership.

Factors/Justification: Whether or not these are filled out has some relevance. If yes, they should be forwarded to the individual honouree. If yes or no, two blank copies should be retained as 'master' forms (one for security and one for reference).

Decision: Always keep two copies of each design; discard multiple copies when design is superseded.

ASEA. Member Services.

7 Lists of ASEA Members.

Factors/Justification: Assuming these are 'directories' or mailing lists which have names/addresses and are available for each year or every few years, they are valuable for showing membership fluctuations, distribution, etc. They also provide entry into more detailed membership records.

Decision: Retain two copies (one security and one reference) at appropriate interval (every two years) and destroy multiples.

8 Members Files

Factors/Justification: These contain important information about achievements and activities of individual members, with the application and the professional activity diaries being the key items. Personal details are confidential, of course, which will restrict the application forms, unless the relevant member gives his/her permission. Conservation problems with mixed media and acidic news cuttings. Be sure photos are identified. Arrangement (alpha or membership no.) could facilitate use or make it difficult (by year or random)

Decision: Retain, but separate photos, clippings for conservation reasons. Future: if professional activity diaries are cumulative, verify against error in re-recording information or loss of detail, then retain only most recent.

2 ASEA Publications, *Australian Shipbuilder*

Factors/Justification: Always retain two copies of each journal or newsletter (one security, one reference) of any organisation. Provides an overview of activity and acts as a kind of 'index' to other records

Decision: Retain as stated above. The reference set is to be held by publications office. A second reference set should be held by the library. Duplicates should be disposed of at the rate of 50% of remaining back issues per year until 5th year when all are discarded.

Comments on Part Two: Records Proposed for Disposal

17 ASEA: Executive Board Treasurer Reports. Monthly.

Factors/Justification: The information herein is summarised in the annual reports and any controversial matters are likely to appear in executive board minutes.

Decision: Dispose.

13 ASEA. Member Services. Professional Membership Application Form.

Factors/justification: Assuming these are blank, one would retain only two copies as security and reference copies until superseded, then destroy. If samples are needed in the future, they can be seen as completed forms in membership files.

Decision: Destroy when superseded.

ASEA Convention Planning and Management

11 Photographs of Annual Convention

Factors/Justification: Unidentified photographs of convention groupings are pretty vapid and useless. It is likely that any of importance (offices, awards) would show in membership files.

Decision: Dispose.

10 ASEA Annual Convention. Papers.

Factors/Justification: These are collected/received by convention management but are turned over to publications for editing and publication so should not be retained. However, between the end of the convention and the publications of the proceedings, there is a gap when these materials are useful.

Decision: Keep a security set until publication and send a set of the papers to the research library where they may be used, copied, etc. Destroy both sets when proceedings are published.

15 ASEA Finance. Receipt Books

Factors/justification: These transactions are summarised in treasurer's annual reports. They may need to be retained for an audit period, after which they can be destroyed.

Decision: Destroy after audit requirement (if any) is satisfied.

ASEA Research Library

NOTE: The Research Library is an important resource for ASEA member, but if/when one gets into archival disposal a very careful selection will have to be made of materials which complement the original ASEA records and reflect the usage patterns of the library (ie most used) and which may be unique compilations (ie Series of Drawings of Machinery. Designed/Patented...). Library will have REFERENCE SETS OF 2, 10, 12, 14 and 16. These, with the exception of 10 and 14, should be kept indefinitely (when the library closes then they should be discarded). Series 10 and 14 are to be disposed of after one year.

14 IFSE: General Meeting and Programmes and Handouts

Factors/Justification: These are not ASEA's records and therefore are not to be kept except for temporary interest of members. If the accumulation is substantial, contact IFSE; otherwise destroy after 1 year.

4 and 18 Special Collections.

On Part Two sheet because these are NOT ASEA archives. They are valuable research collections which should be kept intact and offered to an appropriate institution, such as a maritime museum. The collections could be the 'ASEA collections' which would be added to by ASEA as a continuing commitment.

ASEA. Research Library Special Collections.

4 Drawings of Ship Machinery and Equipment Designed/Patented by ASEA members.

Factors/Justification: This material represents an unique compilation of drawings by ASEA members. The selection criteria are not clear (whether they are 'the best', are originals or whether they are all patented designs which

would preserved in the patents office files). Also volume and rate of growth are decision factors. In any case, they are an important special collection that reflects the professional achievements of members and, by association, of the ASEA.

Decision: Retain, but clarify (refine selection criteria to ensure consistent approach with minimal growth Discuss future of this collection with maritime museum.

18 Various Vendors: Publications, (Catalogues, Handbooks, and Repair Manuals for Marine Vessels and Equipment).

Factors/justification: This special collection was assembled for the use of members who owned/operated vessels or equipment. The collection spans many years and contains mainstream and fringe products; it is therefore a reflection of the industry, as well as a valuable resource for servicing antique machinery. It is, however, voluminous.

Decision: Clarify acquisition criteria to ensure consistent 'runs' of catalogues, new or technologically important changes in models of standard equipment. Consult with maritime museum on criteria and on agreement for deposit of material over X years old (X = 30, 50 years) on condition that they micropublish them or make copies (observing copyright requirements) for ASEA members who need them at cost.