

Attaining Compliance for Digital Archiving through Effectual Implementation of Legislative and Regulatory Frameworks in Selected Kenyan Universities: Are we 'There' Yet?

1

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Introduction

2

- Vulnerability of digital archives and records
- Properly formulated legal & regulatory frameworks required for their efficient and effective management
- Standards and best practices are also key.



Statement of the Problem

3

- Universities generate large volumes of info in d-format
- Development and implementation of legislative and regulatory framework for their management is essential
- Records and Archives legislation in many African countries are inadequate
- Public Archives & Doc Services Act Cap 19 requires amendments
- Literature, previous studies - Public Universities in Kenya lack legal and regulatory framework, thus the need for the study.

Purpose & Objectives of the Study

4

Purpose

The study sought to examine legal and regulatory frameworks governing d-archives in selected public universities in Kenya, with a view to establishing the extent of compliance and suggesting strategies for improvement of d-archiving practices in the institutions.

Objectives

1. To identify the legal and regulatory frameworks governing digital archives management (DAM) in Kenyan public universities;
2. Determine the level of awareness and understanding of the legal and regulatory frameworks governing DAM in Kenyan public universities and;
3. Establish the effectiveness of the identified legislative and regulatory frameworks in the management of d-archives.

LITERATURE REVIEW

5

- Theoretical framework – Records Management Association (ARMA) Records Mgt Maturity model (GARP principles and the legal and regulatory requirements, best practices and standards surrounding information governance).

Themes

- Legal framework for RM (ATIs; Privacy laws)
- Policies and procedures for d-archiving
- Stds & best practices for d-archiving

Methodology

6

Philosophical Stance and Approach

Interpretivist paradigm and qualitative approach

Research Design

Embedded multi case study
Six oldest public universities were selected – UON, MU, KU, MU, JKUAT & EU

Population

205 purposively selected

Sample Size

74 saturation point

Discussion of Findings

7

Relevant Legislative and Regulatory Framework for Digital Archives

All 41 (100%) respondents affirmed that The Public Archives and Documentation Services Act (CAP 19) of the Laws of Kenya (2012) was the main law governing the management of public records in the country

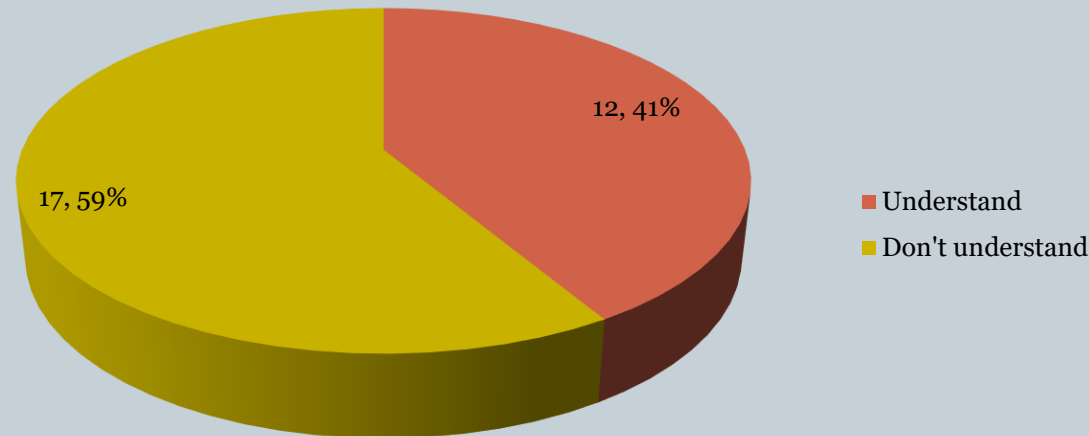
Other Acts, Executive Circulars, Regulations and Subsidiary Rules mentioned and corroborated through desk research include:

- ❖ The Constitution of Kenya 2010
- ❖ Access to Information Act 2016
- ❖ The Records Disposal Act, Cap 14, Revised edition 2015 (1962)
- ❖ Public Procurement and Disposal Act, 2015
- ❖ Public Finance Management Act, 2015
- ❖ Kenya Information and Communications Act, Revised edition 2013 (1998)
- ❖ Leadership and Integrity Act, No. 19 of 2012
- ❖ Various circulars issued from time to time

Awareness of the legislative and regulatory framework

8

Although all (100%) the respondents were aware of the existence of Cap 19, only 12 (41%) understood the contents of the statute as shown below.



Effectiveness of the legislative framework for d-archives

9

- Archivists, records managers and records officers (29) were asked to indicate whether or not Cap 19 was effective in this regard. While only five (17%) of the respondents felt the Act was effective, 24 (83%) of the respondents discredited the effectiveness of the law in addressing the life-cycle management of d-records. Their views is summarized by the following response

The Public Archives and Documentation Service Act in its present form is outdated and ineffective in the management of records and archives, especially in view of the technological changes that continue to disrupt the processes of information dissemination, storage and general management

Familiarity with other Acts and Regulations

10

- With regard to the other identified statutes, 17 (58%) of the respondents reiterated that they were not familiar with the provisions of the Acts and regulations for records and archives management in Kenya and were therefore unable to comment on their effectiveness.
- However, 12 (41%) of the respondents were of the view that other laws and regulations were ineffective as far as the management of digital records was concerned.
- Archivists and records managers in the six universities were asked whether their institutions had in-house procedures and guidelines for records and archives management. All the respondents affirmed that the documents had been developed and were operational. One respondent's view reflected the general views of all the other respondents:

Since adoption of ISO quality assurance standards by public universities, institutional-wide audits have become the norm for us. One of the requirements for ISO audits is the availability of documentation such as manuals, guidelines and procedures for every business process including records management functions.

Institutional Records Management Policies

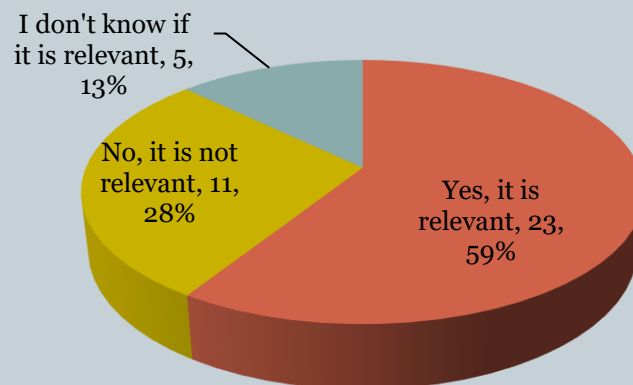
- RK (3) were asked whether their institutions had developed RM programmes and/or policies.
- Out of 29 respondents, 7 (24%) affirmed having formally approved RM programme and policy documents, available on the university intranet - from one institution (University A).
- The other respondents (22, 76%) from the other 5 universities reported that their institutions did not have formally approved RM programmes and policies.
- However, all of them indicated that the documents existed in draft form and were awaiting formal approval. For example, a respondent in University F responded as follows:

There is as yet no formally approved programme or policy for records and archives management in our institution. However, such a policy was developed in 2015 and is awaiting senior management approval.

Availability & Relevance of the ICT policy to Digital Archiving

12

- Additionally, the study also sought to establish whether the six institutions had ICT policies. All the ICT Directors and ICT staff (39) affirmed that their institutions had formerly approved ICT policies.
- The respondents had mixed feelings on the relevance of ICT policies to digital archiving as shown below



Compliance for Digital Archiving

13

- Out of the 6 studied universities:
 - Five were at level 2: no formerly approved RM policy and procedures;
 - One was at level 3: Had a formerly approved RM policy which was being implemented.

Conclusion & Recommendations

In view of the foregoing, the study concludes that we are “not there yet” in terms of attaining compliance for d-archiving.

Recommendations:

- The GoK should fast-track facilitation of the review process for Cap 19, so that it clearly addresses management of d-records throughout their lifecycle.
- The GoK should formally adopt the draft National RM Policy.
- Lastly, archivists, records managers and ICT Directors in the universities should collaborate to develop RAM programmes and policies which clearly address the management of d-records and archives.

The End

15

Wishing You the
Very Best