AGSA SEMINAR  31 JULY 2015

THE STATE OF RECORD KEEPING IN THE EASTERN CAPE
PRESENTATION OUTLINE

- Introduction
- Legal mandate
- Records management
- Records management principles
- Life Cycle of records
- Reasons for records management
- Situational Analysis
- Achievements
PRESENTATION OUTLINE

- Challenges
- Proposed solutions
- Recommendations from the 2014 Seminar
- Recommendations from the GIZ-PAIA Seminar
- Action plan
INTRODUCTION

- Provincial Archives established in terms of Schedule 5 of the Constitution.
- Regulatory function of managing records in Provincial state organs
- PARS responsible for the oversight function of regulating the management of records for all Provincial state organs EC=70
- Mandated by the PARS Act No7.of 2003, Section13 “The Provincial Archivist is charged with the promotion of proper management and care of public records in the custody of governmental bodies
LEGAL MANDATE

- CONSTITUTION SECTION 195: Public administration must be governed by the democratic values and principles enshrined in the Constitution, including:
  - a. A high standard of professional ethics...
  - b. Efficient, economic and effective use of resources...
  - c. Public administration must be development-oriented.
  - d. Services must be provided impartially, fairly, equitably and without bias.
  - f. Public administration must be accountable.
  - g. Transparency must be fostered by providing the public with timely, accessible and accurate information.
LEGAL MANDATE

The Public Finance Management Act
The Municipal Finance Management

- Emphasizes on the roles and responsibilities of the accounting officers - resources to be managed efficiently and effectively
LEGAL MANDATE

- The Treasury Regulations
  - Part 17.2 emphasizes the need to properly manage financial information.
  - It also stipulates the retention period for financial records
LEGAL MANDATE

Promotion of Access to Information Act
Promotion of Administrative Justice Act

- The Act is aimed to foster a culture of transparency and accountability
- To ensure that administrative action is lawful, reasonable and procedurally fair
LEGAL MANDATE

- In terms of these Acts, the governmental bodies have an obligation to provide access to information contained in records and to provide reasons for decisions.
- The right on Information (Constitution section 32) and the need to protect citizens rights.
LEGAL MANDATE

- Everyone has the right of access to
  a. any information held by the state
- If a PAIA-request can not be answered within 30 days, the requester can go into administrative appeal
- PAIA requests:
  - Personnel records
  - Medical records
  - Citizen/Residence register/Land ownership register

"A United, Active and Winning Province through Sport, Recreation, Arts and Culture"

Dr Erwin Rooze
LEGAL MANDATE

- If the PAIA-requester does not get the information within the next 30 days, the requester can go into Court.
- In Court, the Information Officer needs to provide information and pay all the costs.
The National Archives and Records Service Act No.43 of 1996, requires governmental bodies to put the necessary **infrastructure, policies, strategies, procedures and systems** in place to ensure that records in all formats are managed in an integrated manner.

"A United, Active and Winning Province through Sport, Recreation, Arts and Culture"
LEGAL MANDATE

- The Provincial Archives and Records Service Act No 7.of 2003- promotes proper management and care of records of Provincial, local government bodies and public entities (governmental bodies) and provides for the preservation and use of the Provincial archival heritage
  - Governmental body: any legislative, executive, judicial or administrative organ of state ... at the Provincial or local level of government in the Province

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”
RECORDS MANAGEMENT

- Records management is the process of ensuring the proper creation, receipt, maintenance, use and disposal of records to achieve efficient, transparent accountable governance

1. Accountable governance
2. Transparent records Life Cycle
3. Efficient process

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”

1. Definition from the National Archives
RECORDS MANAGEMENT PRINCIPLES

- ACCOUNTABILITY
- TRANSPARENCY
- INTEGRITY
- AVAILABILITY
- AUTHENTICITY
- RELIABILITY
- RETENTION
- DISPOSITION

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”
LIFE CYCLE OF A RECORD

Created/Received ➔ Organised ➔ Maintained ➔ Disposed

Transfer/destroy

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”
REASONS FOR RECORDS MANAGEMENT

- Records created or received are evidence of business transactions
- They also form part of the corporate memory of an institution, they also promote accountability, transparency and good governance.
- Records are managed in terms of Records Management principles and practices. COMPLIANCE ISSUE.
- Prevents reinventing the wheel
- Positive Audit outcomes
# SITUATIONAL ANALYSIS

<table>
<thead>
<tr>
<th>Compliance Records Management Mandatory Tools</th>
<th>Appointed Records managers</th>
<th>Disposal program</th>
<th>Registries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Government Departments</strong></td>
<td>14</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td><strong>Public entities</strong></td>
<td>3</td>
<td>3</td>
<td>-</td>
</tr>
</tbody>
</table>
ACHIEVEMENTS

- Awareness of the function
- Identification of challenges
- 2014/15 -15 disposal authorities granted
- Amathole DM pilot site
CHALLENGES

- Lack of Top Management buy-in
- Records Management function designated to lower levels
- Resource allocation
- Outsourcing versus implementation of disposal programme
- Electronic systems

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”
CHALLENGES

- Approval and non-implementation of the RM policies, procedure manuals and File plans
- Placement of the function
- Non implementation of recommendations for inspection reports
- Low level of compliance from public entities
- Attachment of the function to others
PROPOSED SOLUTIONS

- Compliance with uniformity of the File Plan
- Intervention by AG crucial in ensuring the importance of record management/Top management
- Corporate Services forums for DM
- Records Management as KPA for Top Management
- Interim repositories

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”
RECOMMENDATIONS FROM 2014 SEMINAR

- To develop a strategy for the Province to deal with Records Management challenges to be presented to Municipal government Forums, EXCO through the Hon MEC and endorsed by the Premier.
- Amendment of the PARS Act
RECOMMENDATIONS FROM THE 2014 SEMINAR

- Implementation of electronic systems: Be clear what you want!
- AG to ensure Records Managers form part of the Audit Committee
- AG to create awareness on their systems to Records Managers
RECOMMENDATIONS FROM THE GIZ PAIA SEMINAR

- Empower all officials by making it their responsibility
- Upgrade the function of the Records Manager
- Invest in the infrastructure of
- Involve all officials
- Appoint Records Managers
- Give them forum in the Management team
- Meet them regularly in PAIA requests

"A United, Active and Winning Province through Sport, Recreation, Arts and Culture"

1. Dr Erwin Rooze
## ACTION PLAN

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible person</th>
<th>Time Frames</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation on the Provincial Records Management Strategy with the</td>
<td>Provincial Archivist</td>
<td>17-21 August 2015</td>
</tr>
<tr>
<td>Records managers Document to be forwarded for inputs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inputs to be submitted to the Provincial Archives</td>
<td>Records Managers/Provincial Archives staff</td>
<td>30 August-04 September 2015</td>
</tr>
<tr>
<td>Consultation with the Records managers</td>
<td>Records Managers /Provincial Archives</td>
<td>10 September 2015</td>
</tr>
</tbody>
</table>
# ACTION PLAN

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible person</th>
<th>Time Frames</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation on the Provincial Records Management Strategy with the Top Management of DSRAC</td>
<td>Provincial Archivist</td>
<td>14-18 September 2015</td>
</tr>
<tr>
<td>Consultation on the Provincial Records Management Strategy with the MEC DSRAC</td>
<td>DSRAC Top Management</td>
<td>28-30 September 2015</td>
</tr>
<tr>
<td>Consultation on the Provincial Records Management Strategy with the MEC DSRAC</td>
<td>DSRAC MEC</td>
<td>05-09 OCTOBER 2015</td>
</tr>
<tr>
<td>Activity</td>
<td>Responsible person</td>
<td>Time Frames</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Issue a Circular for uniformity of file plans</td>
<td>Provincial Archivist</td>
<td>8th October 2015</td>
</tr>
<tr>
<td>Uniform File Plans with new main series implemented</td>
<td>Provincial state organs</td>
<td>April 2015-March 2016</td>
</tr>
<tr>
<td>Issue a Circular on transfer of all records generated from 1994-2014</td>
<td>Provincial Archivist</td>
<td>April 2015 –March 2016</td>
</tr>
</tbody>
</table>
CONSEQUENCES OF IMPROPER RECORDS MANAGEMENT

*A United, Active and Winning Province through Sport, Recreation, Arts and Culture*
CONSEQUENCES OF IMPROPER RECORDS MANAGEMENT
THANK YOU !

“A United, Active and Winning Province through Sport, Recreation, Arts and Culture”