

# Managing Records as Reliable Evidence for ICT/ e-Government and Freedom of Information

## Kenya Country Report



International Records Management Trust

August 2011

## Contents

	Page
Overview	2
ICT and e-Government	4
Freedom of Information	6
Records Management	7
Other Findings: Government Agencies, Parastatals and NGOs	10
People Consulted	14

## Overview

The Government of Kenya is committed to achieving an information-based society as a basis for realising national development goals and objectives for wealth and employment creation. It hopes that ICT development will enable it to realise a number of key public policy objectives. Its e-Government Vision is to be an efficient, results-oriented and citizen-centered public sector and one of the top rated e-governments in Africa and globally.

Kenya's Constitution (2010) gives citizens the right of access to government information, and this has resulted in growing interest in Freedom of Information (FOI). The Constitution contains an FOI provision, and the Cabinet is considering a draft FOI Bill (2007) that would activate the new constitutional provision. The Bill recognises that records management provides a vital underpinning to any FOI scheme and proposes an FOI Commission to set regulations for records management.

In keeping with international good practice, the Kenya National Archives and Documentation Service (KNADS) is the primary agency with legal responsibility for government records, but its lack of skills and expertise in electronic records management means that it is not recognised as having a role in managing electronic records, and other agencies are being assigned responsibilities for managing current paper and electronic records.

The chart that follows provides an overview of the regulatory framework that needs to be in place to successfully manage records in relation to ICT/ e-Government and to FOI. A '✓' means that the framework element is in place; an '✗' means that it is not in place.

<b>ICT/ e-Government</b>	
Planning for ICT/ e-Government systems ensures that the records needed for the proper functioning of the system are complete, accurate and accessible.	✓
Planning for ICT/ e-Government systems addresses functionality for the management of records from creation to disposition.	✓
The national records and archives authority is included in consultations on ICT/ e-Government initiatives.	✓
<b>Freedom of Information</b>	
An FOI law has been enacted.	✗
The FOI legislation is aligned with existing legislation, particularly the national records and archives legislation and other legislation relating to the release of information.	✗
FOI legislation specifically over-rides the 30-year access law if there is one.	✗
The FOI law stipulates mandatory response times.	✗
A plan for FOI implementation has been adopted by the Government.	✗
The plan for FOI implementation considers the completeness, accuracy and accessibility of government records in all formats.	✗
The plan for FOI implementation makes all government staff aware of their	✗

responsibilities for managing records.	
<b>Records Management</b>	
<b>Legislation</b>	
The records and archives legislation establishes a single authority on the management of government records, from creation to disposition.	✗
The records and archives legislation positions the national records and archives authority centrally within government so that it can fulfil its crosscutting function.	✗
<b>Policy</b>	
A government-wide records management policy has been adopted to define responsibilities for records management and relationships with ICT/ e-Government and FOI bodies.	✗
<b>Standards</b>	
The national records and archives authority has adopted a records management standard has been adopted (ie ISO 15489).	✗
A standard for records management functionality in ICT systems has been adopted (ie ICA-Req or MoReq) <sup>1</sup> .	✗
A standard for archival management and digital preservation has been adopted.	✗
<b>Procedures</b>	
The national records and archives authority has issued or approved procedures for every phase of the management of records, from creation to disposition.	✗
A national retention and disposal schedule exists and is applied to all hard copy and electronic records.	✗
The national records and archives authority is mandated to enforce compliance with the retention and disposal schedule.	✗
<b>Staffing</b>	
A cadre of records management staff exists.	✓
A scheme of service exists for staff responsible for managing records in electronic or paper form, from creation to disposition. The scheme of service spans government and ranges from clerical to management positions.	✗
<b>Infrastructure and Facilities</b>	
The national records and archives authority is allocated sufficient funds to fulfil its mandate.	✗
MDAs have sufficient space and equipment to manage active records securely, in electronic and paper formats.	✗
Purpose built records centres have been provided for the storage of semi-active records.	✗

<sup>1</sup> ICA-Req is the International Council on Archives standard *Principles and functional requirements for records in electronic office environments*. MoReq is the European Commission *Model Requirements for the Management of Electronic Records*.

Purpose built archival repositories have been provided for the storage of inactive records.	✘
A digital repository has been created to preserve electronic records over time.	✘
<b><i>Capacity Building</i></b>	
Training in records management is available to staff at all levels and includes practical training in electronic records.	✘
University programmes offer in-depth education for records management with practical training in electronic records management.	✘

## ICT/ e-Government

The Government of Kenya has established a well developed structure of bodies and committees to facilitate ICT/ e-Government development. However, the issue of managing the electronic records produced by ICT applications has not yet been tackled systematically. The institutional framework for e-Government includes a Cabinet Committee that oversees the implementation of Kenya's e-Government Strategy and a Permanent Secretaries' Committee, chaired by the Head of the Public Service, which is charged with co-ordinating the implementation of e-Government initiatives and providing institutional support to expedite e-Government implementation. There are also e-Government committees at the ministry level, chaired by the permanent secretary, that are responsible for auditing ICT capacity, identifying technical and institutional gaps and inadequacies, and making recommendations on the way forward.

The Directorate of e-Government, under the Head of Public Service in the President's Office, provides a technical steering team that serves as the e-Government Secretariat. The Secretariat is charged with preparing and co-ordinating the e-Government Strategy, including the implementation plan, and with monitoring and evaluating the process. The Directorate's agenda is set out in its 2009-2012 strategic plan and is driven by Vision 2030 as well as by government's priorities for land administration, immigration, the judiciary and birth, death and marriage registration. The directorate is working with MDAs on procuring hardware and software. It is expected that ultimately all government ICT officers will report to the Directorate of E-Government.

Although the management of electronic records does not yet feature as a key component of the e-Government agenda, the Kenya Communications (Amendment) Act, 2009 includes significant relevant provisions. The Act, which recognises that the rapid changes and developments in technology have blurred the traditional distinctions between telecommunications, information technology and broadcasting, resulted in an enhanced scope and jurisdiction of the Communications Commission of Kenya (CCK). The Commission is the regulatory authority for the communications sector in Kenya, and it acts as a policy adviser to the Government, creating policy briefs and drafting policies and legislation for ministers.

The Act defines e-Government services as those provided electronically by a ministry or government department, local authority or any body established by or under any law or controlled or funded by the Government, and it recognises the legal validity of electronic records as a means of facilitating electronic commerce. It deals at length with electronic records issues as essential to promoting e-Government and e-commerce. It gives electronic records legal recognition, authorises the use of electronic signatures, and addresses the need to manage public sector electronic records to ensure that they are authentic, secure and reliable records as a basis for efficient and effective service delivery. It requires the Communications Commissioner to ensure that electronic transactions are based on reliable electronic records. However, it does not stipulate requirements for capturing and managing authentic and reliable electronic records.

In the context of its responsibility for facilitating the development of the information and communications sectors, CCK works closely with the ICT Board, a state corporation within the Ministry of Information and Communications that was established to advise the Government of Kenya on ICT development and promotion, and with the National Communications Secretariat, which advises the Government on matters relating to information and communication policy and is also located within the Ministry. Together they have contributed to projects under the World Bank's Kenya RCIP programme, which are managed by the ICT Board. They have also worked on developments in the mobile telephone industry, network infrastructure for Internet service providers and the plans for extending fibre-optic cabling to the districts and villages.

The Commissioner's duties overlap with those of KNADS, duplicating records management functions that have already been assigned to KNADS under the Public Archives and Documentation Service Act. The commission staff had not considered KNADS as relevant to its work except in relation to FOI. If the Communications Commission issues guidance without reference to KNADS, it could become difficult to address records management coherently as a crosscutting government issue. It will be important for KNADS, the Ministry of Information and Communications and the Communication Commission to work together closely to ensure that their roles in records management are well defined and closely co-ordinated. KNADS could develop a closer relationship with the Commission as a basis for engaging with electronic records management issues.

While records management has not yet received attention as part of the e-Government agenda, digitisation has. The Government hopes to see the digitisation of all records across the public service and in this way to increase the number of processes and transactions carried out on-line for increased efficiency in government offices. The Permanent Secretary of the Ministry of Information and Communications is leading a drive to have all government registries managed using ICT. This is complete at the State Law Office and the focus is now on the Ministry of Lands; it is expected that the records of the Judiciary will follow. As yet, there is not a digitisation standard or a strategy for managing records in digital form over time. There is no digital repository where they can be held and international good practice standards applied.

## Freedom of Information

The Kenya Government is considering enacting the Kenya FOI Bill, 2007, which would implement Article 35 of the Constitution of Kenya 2010, the right of access to information for citizens. This would provide for the establishment of an FOI Commission to facilitate access to information. It would have a major impact on records management in that it would require every public authority to set up a records management system for creating and preserving the paper and electronic records needed to adequately document their policies, decisions, procedures, transactions and activities and to ensure that they are maintained in good order and condition. The Bill provides for a window period of three years from the enactment for every state agency to computerise its records and information management systems in order to facilitate efficient and effective access to information. The aim is to enable state agencies to develop an infrastructure for an electronic records management environment.

In its present form, the Bill would allocate to the Kenya FOI Commission duties that are already legally the responsibility of KNADS, for example measures for ensuring that adequate records are created and maintained by public authorities and records that public authorities are required to keep. The Public Archives and Documentation Service Act of 1965 (Revised 1991) restricts access to records until 30 years after their closure. This has not yet been harmonised with the Constitution of Kenya 2010, which provides citizens with the right of access to information held by the state; nor has it been harmonised with the FOI Bill. Indeed, the Bill itself, in Section 26 (6), reiterates the 30-year closure on 'historical' records, which undermines the purpose of the Bill.

Although the Bill would affect a number of provisions in the Public Archives and Documentation Service Act, it does not mention KNADS. The enactment of the Bill needs to coincide with a revision of the Public Archives and Documentation Service Act of 1965, which restricts access to records to 30 years after their closure. This issue needs to be addressed before the Bill is enacted.

The Bill allows three years after enactment, during which MDAs should digitise records to facilitate ease of retrieval and access. This provision raises questions. There is a need to allow time for MDAs to put their records, paper or electronic, in order, and this can take time. Digitisation is costly and will not necessarily ensure ease of retrieval and access. There is a need for standards and guidelines on digitisation. This is a role that KNADS could fill if it had the legal mandate and the professional capacity to do so.

There is a need to ensure that any FOI implementation plan includes steps to ensuring that the records are in good order, capable of supporting FOI requests. As the UK Lord Chancellor's Code of Good Practice on the Management of Records (issued under the Freedom of Information Act 2000) indicates:

*FOI is only as good as the quality of the records and information to which it provides access. Access rights are of limited value if information cannot be found when requested or, if found, cannot be relied on as authoritative, or the arrangements for their eventual destruction or transfer to an archives, are*

*inadequate.*

Staff interviewed in agencies including the National Communications Secretariat and the Ministry of Lands expressed their belief that Kenya is not ready for FOI, precisely because government records are in disorder. Some civil society groups consider 'open data' to be an alternative to FOI, but the weak regulatory framework for records management raises questions about the accuracy of data based on these records.

## **Records Management**

The Public Archives and Documentation Service Act of 1965 (revised 1991), enacted to provide for the preservation of public records and archives, established KNADS. The Act requires the Director of KNADS to examine public records and advise on transferring them to the Kenya National Archives. It focuses on the collection, preservation, control and access to archival records and archives management and does not comprehensively address the management of public sector records from creation to disposition. International good practice would normally involve a single authority with responsibility for the records management function from the point that records are created. The issue of allocating responsibility for the records management function needs to be addressed as soon as possible. In the electronic environment, it is essential to manage records from the point of creation, as they are at risk if they are not under continuous professional control and the phases of control cannot be separated and assigned to different agencies as might have been possible in the paper environment.

KNADS has divisions responsible for records management, archives management and documentation. The records management service runs five provincial records centres, each headed by a provincial archivist. It advises public offices on proper records management, including file classification schemes and retention and disposal schedules. The Archives Management Service is centralised in Nairobi, where its main purpose is to preserve public archives through microfilming, storage, and conservation. The staff have been working toward computerising archival lists and catalogues and the department has launched a major programme to digitise the approximately 10 million hard copy archival documents, both for the purpose of long-term preservation of archives and to increase access through a public web portal. KNADS supplements archival materials with publications. It facilitates the establishment of information resource centres in public offices.

KNADS's staff includes a large number of well-qualified records and information professionals, the largest cluster to be found anywhere in the Government. In the field of Library/ Information Science, five have Masters Degrees, three have Post-Graduate Diplomata, and 16 have a BA/BSc. In the field of records management, 21 have Diplomata, and 11 have Certificates. Two of the staff have a Diploma in ICT. The staff have acquired some practical knowledge of electronic systems through personal initiatives, but they do not have experience of or in-depth training in the management of electronic records. They have no route to acquiring the necessary expertise since the Kenyan universities offering records management courses teach theoretically and do not have the experience to provide



practical training for students. Commercial vendors offer some training, but again they do not provide practical experience, and often they are more geared to making 'sales pitches'.

The Public Archives and Documentation Service Act is not media specific, so it can be interpreted to cover electronic records, but it does not define electronic records specifically or provide for their management. It will be important to review the Act to clarify electronic records issues in relation to other legislation such as the FOI Bill, 2007 and the Kenya Communications Amendment Act, 2009. Given that there is a widespread perception within the government staff that records created electronically are not records but data, there is a need to clarify this point and to specifically define KNADS's responsibility in the area of electronic records management. Staff at the Kenya Institute for Public Policy Research and Analysis (KIPRA) went so far as to point out that this lack of clarity has resulted in the lack of leadership on records management in the Kenyan Government.

Under the present law, KNADS will ultimately have to take custody of inactive electronic records, but there is no plan in place to begin to prepare for this. Even if the law were strengthened, KNADS is not presently in a position to manage electronic records or to advise MDAs on managing them throughout the records continuum or life cycle. Building capacity in the electronic records unit within KNADS would be the first step to building institutional capacity. KNADS is not involved in MDA records projects, and it is not consulted when e-Government and ICT initiatives are being planned. It has no strategy for dealing with electronic records created in e-Government systems. It lacks the expertise needed to set standards or supervise digitisation initiatives.

The limitations of the Public Archives and Documentation Service Act are mirrored in the Records Disposal (Courts) Act, 1962 (revised 1972), which covers Court and the Registrar General's records. Essentially, it sets out a disposal schedule that, if properly applied, would go a long way toward decongesting court registries and creating economical use of space. It does not provide substantive guidance on the management of active and semi-active records, nor does it address the management of electronic records. KNADS' role is limited to consultation. There is a need to consider modernising this Act and for KNADS to play a more active role in the management of court records throughout the records lifecycle, rather than at the disposal stage.

Although KNADS was not consulted when the FOI Bill was drafted, it subsequently petitioned the Government to be included in consultations. The staff are aware of the Bill and recognise that if it is passed there will be a range of new challenges for MDAs. KNADS has not issued guidance on managing current records in MDA, but it is working to strengthen the management of the semi-current records that it holds in the regional intermediate records centres for which it is responsible. In 2009, KNADS realised that these centres do not operate common systems, and indeed, some are still managed by messengers and drivers.

KNADS has held several well attended records management workshops for civil servants. It also offers advice during records audits and surveys in the MDAs. The findings of these audits and surveys are provided to MDAs, but KNADS does not have a mechanism for assessing compliance with its recommendations. While KNADS's advice is generally well

received, there are some MDAs where backlogs of unprocessed paper records are growing worse and some MDAs resist KNADS inspections, audits, surveys and advice because they do not have the means to deal with the issues. When asked about the expectations that MDAs have of KNADS, staff members replied that MDAs expect the removal, on request, of backlogs of hard copy records. However, MDAs are beginning to seek KNADS advice on handling the records that computerised systems generate.

The position on records management is particularly complex because the Personnel Office in the Ministry of Public Service is now taking the lead on records management in government, although it does not have a legal mandate to do so. The Ministry is responsible for human resource management across the Government, and as there had been no real career path for registry clerks, executive assistants had been playing roles in managing records. The Permanent Secretary recognised the need for a new scheme of service for records managers and asked the Deputy Director of Human Resource Management to develop one with higher-level positions for records staff. This resulted in a new role for the Ministry. The process of developing and implementing the new scheme of service has been underway since 2007.

The Ministry also has taken the initiative to develop an electronic records management system, called the Integrated Records Management System (IRMS), with assistance from local consultants. IRMS is based on standard registry processes and is being implemented across the Government. For security reasons, the system, although web-based, only operates on government intranets. Incoming hard copy records are scanned and digital surrogates are then circulated to officers for action. The system has a workflow component that is designed to measure the performance of officers, and generates performance reports. Unique identifiers are assigned to staff using the system, which also supports the audit function. At present, the system still requires that records be printed for signature. There are no guidelines for digitisation in place. The Ministry believes guidelines should come from KNADS. The Secretary of E-Government is working with the Ministry of Public Service to explore the integration of IRMS with planned e-Government systems. The aim is to support the 'paperless office' goal of the Government's Vision 2030 strategy in line with the President's decree that all registries should be computerised.

The Ministry has had some difficulty in obtaining support from senior management and ICT officers in MDAs in implementing the system because of the low profile of records management and because some MDAs have designed and implemented their own records management systems. However, there is an active programme to train staff in using the system and a steady roll out programme to MDAs. The Permanent Secretary is addressing this problem by meeting with Permanent Secretaries from other ministries. The Ministry is establishing a network of Information Management Champions throughout MDAs to act as change management agents, promoting the use of the system. The Ministry recognises that paper records need to be well organised before IRMS can be expanded to fully replace the existing hybrid records management arrangements. As a step toward addressing the arrangement of paper records, the Ministry has issued a revised records management manual. There is no policy or manual for e-mail management. Other challenges include the procurement of suitable equipment, and the lack of computer skills amongst the government staff.

The Ministry views its role in government record-keeping as complementary to that of KNADS. It believes that it should take responsibility for current and semi-current records, while approval to destroy or accession records as archives should come from KNADS. The Ministry's initiatives are valuable and impressive, but at the same time the division of responsibilities between agencies carries high risks. International experience has shown that splitting the records and archives function can lead to a lack of clarity on policy and procedures, particularly in the electronic environment where the old distinction between creation, capture, access and disposition is disappearing in favour of continuous control through integrated management and system requirements.

KNADS believes that its responsibilities should be harmonised with those of the Personnel Office, and interviews with staff at the Personnel Office revealed that they share this view. KNADS has drafted a records management policy that assigns responsibility for records management, including staffing and equipment, and formalises records management as the joint responsibility of KNADS and the Personnel Office. The policy is now being reviewed by the Prime Minister's Office, and, if the current version is accepted there, it is expected the policy will be presented to Cabinet for approval.

The FOI Bill and the Kenya Communications (Amendment) Act have the potential to create further splits in leadership in the area of records management and greater potential for conflicting responsibilities. To a large extent this situation stems from limitations in the Public Archives and Documentation Service Act, which only empowers KNADS to take control of government records at the end of the records lifecycle. It would be valuable if the Government could appoint a high level review committee to consider how the various approaches to records management can be harmonised to make the maximum input to Kenya's development priorities, bearing in mind the international good practice recommendation that there should be a single body with statutory responsibility for the oversight and management of government records from creation to disposition.

## **Other Findings: Government Agencies, Parastatals and NGOs**

### ***Kenyan Bureau of Standards***

The Bureau of Standards was established by an Act of Parliament in 1974. Its mandate is to promote standardisation; develop standard quality testing and production; and facilitate trade by checking the quality of imports and exports. The Standards Development Department has created or adopted thousands of standards to date, covering fields such as engineering, chemical production and use, environmental issues, and food and agriculture. The Department liaises with the International Standards Organisation and oversees the harmonisation of existing standards.

The Bureau has a technical committee on e-Government, which includes members of the national ICT Board and KNADS. The committee has not yet issued any standards. It also has a technical committee on information and records that is expected to develop relevant standards. The Committee includes members from KNADS, the Kenyan National Library

Service, the Kenyan Industrial Research Institute, the National Museums of Kenya, the Communications Commission of Kenya, Moi University, Kenyatta University, and the University of Nairobi. The technical committee has identified challenges including standardising electronic records management, legal admissibility issues, and digitisation. It is not clear whether members are aware of international standards for integrating records management functionality into electronic office systems, such as the European Union Model Records Requirements (MoREQ) and the International Council on Archives Requirements (ICA-Req), but the technical committee has drafted requirements for electronic records and is awaiting the results of a ballot on the draft.

### ***The Court of Appeal***

It was not possible to obtain permission to visit the Court of Appeal. The information presented here is derived from information publicly available from routine KNADS inspection reports. A court case management system is in the early stages of development. Although the system could not be assessed, it is unlikely that records management functionality has been considered closely, as there has been no consultation with KNADS. KNADS is not represented on the committee responsible for planning the system, and none of the committee members are records management experts.

The digitisation of the Court of Appeal records is a particular concern. Digitisation started before the system specifications were developed. At present there are five million digital surrogates of court records being managed without records management functionality. These surrogates are at risk of corruption or loss, and it is unclear whether the originals are being preserved.

### ***The Kenya Institute for Public Policy Research and Analysis (KIPRA)***

KIPRA is a parastatal within the Ministry of Planning, established by the KIPRA Act, 2000. It focuses on evidence-based policy research and works with the Government, the private sector and civil society. The organisation has eight research divisions, covering topics from governance to trade and foreign policy, as well as an Environmental Development Programme that may become a research division. Each division is comprised of multi-disciplinary teams of research associates that work with relevant MDAs and stakeholders. For example, KIPRA worked with the Government on the first ICT policy (2004-2005). Staff at KIPRA explained that the latest ICT policy created many new bodies, such as the ICT Board, with which they work closely. KIPRA has little interaction with the E-Government Secretariat, but does comment on their policies from time to time.

KIPRA staff believe that the fibre-optic network now in place will serve as a foundation for e-Government, but that e-Government system implementation and use will be hampered by a lack of laws, such as for electronic transactions, and by poor planning for systems maintenance and the longevity of electronic information. Staff related this to the common problem experienced with hard copy records management, where retention scheduling and authority to transfer or destroy have not been thoroughly addressed. KIPRA is aware of

gaps between records management, ICT, e-Government and FOI, which it sees as the result of a lack of robust information management laws. Staff also stated that they were aware that information management problems in Kenya deterred foreign investment. The staff suggested that KNADS should issue standards for electronic records management and oversee a programme to ensure government records managers are suitably trained.

### ***Law Africa***

The directors of the legal publishing house Law Africa were consulted to obtain information on records management in the judiciary. They described a UNDP-funded project in the Attorney General's Chambers that aimed to digitise court records summaries. Law Africa had already digitised the same class of records for the years 1999 to 2000 for its own use, and it has offered to supply the outputs to the AGC. The offer was declined. When Law Africa checked the outputs of the AGC project against their own digital surrogates they identified a number of errors in the AGC outputs, including case summaries with incorrect case numbers. The errors were the result of the methodology used. Rather than scanning the records, the AGC hired data entry clerks to re-key the information contained in hard copy records, which introduced a high error rate. The story illustrates the need for a digitisation standard.

Law Africa is keen to see records management and FOI issues addressed. Both directors trained as lawyers in the United Kingdom. On returning to Kenya, they were dismayed by the difficulties they experienced in locating public records from the courts and in some government ministries. For example, clerks had demanded bribes in exchange for locating records relevant to an annual tax return that Law Africa was to complete. Law Africa's continuous demands for access to information have resulted in a tense relationship with some MDAs that have involved threats to Law Africa staff.

The Law Africa staff noted that no action had been taken on the FOI Bill or on some of the other initiatives under way to make the Government of Kenya more transparent. They thought that Kenya's open data initiative, launched with the ambitious aim of providing access to 95% of government records, might provide a way forward. The site ([opendata.go.ke](http://opendata.go.ke)) went live in July 2011.

### ***Ministry of Lands***

Records are at the heart of the Ministry's work, which includes the settlement of landless people; land use planning at the national, regional, and local levels; the preparation of maps; the management and registration of land transactions and loans where land is given as security; and the issuance of titles. At present, the process of acquiring land is long and elaborate, but it does offer checks and balances. Land sellers must obtain searches from local land registry subdivisions and seek the consent of land boards at the divisional level. After consent is granted, all relevant documents, including survey documents, maps, and plans for development, must be lodged with the Ministry. Every record is photocopied upon registration so that there is a duplicate file as a back-up.

The issues that the Ministry is facing illustrate some of the records management challenges that are being faced across government. According to the staff, there are clear records management procedures, although they believe that the Ministry still needs to strengthen its support for records management. Records are managed through central and departmental registries that operate well except when files are transferred between departments, when there are delays locating them. Records management is not audited, but when breaches of records management procedure are identified, they are investigated. At the time of the interview a member of the registry staff was on suspension for removing a file that he was not permitted to access. There is a growing interest in performance benchmarking within the Ministry, but this had yet to be extended to the records management function.

The staff believe that the records management problems it experiences are a result of using paper records. They believe that introducing electronic systems would greatly improve efficiency by reducing opportunities for tampering, simplifying and speeding up retrieval and making information impossible to lose. There is a perception within the Ministry that computerisation and digitisation will improve record keeping and thereby increase citizen confidence in the Ministry. Most of the complaints that the Ministry receives relate to delayed processes. One member of staff estimated that these accounted for 90% of written complaints; another stated that missing files directly reduce citizen confidence in Government. Computerisation will mark a major transition in the culture of the Ministry. Few members of staff use computers at present, and e-mail is not yet used for work purposes.

The primary target for the Ministry under Vision 2030 is an improved land title acquisition process, which will depend largely upon sound records management procedures. The Ministry is about to start re-engineering processes to support records management automation and staff members believe that paper records are well enough organised to permit this. At the same time, a digitisation project is under way in the Ministry headquarters, led by the Land Management Systems Technical Working Group in the Lands Reform Unit. Key information is transcribed from records before batch scanning, as insurance against data loss. Back-ups of the digital surrogates are made automatically, on and off site, daily, and a further manual back up is made once a week. It is unclear what arrangements are being made for the hard copy records after they have been scanned or what provisions will be in place to support digital preservation. There is no objective source of professional advice on digitisation or long-term preservation standards despite the fact that the records will need to be kept for many decades.

Members of the Working Group reported that there are substantial gaps in the paper records being scanned, that there is a low level of ICT knowledge within the Ministry, and that the training was delivered too far in advance of computerisation and systems implementations. They also stated that ICT cannot function optimally without good records and that, for this reason, full use is not presently being made of existing systems. The working group does not include any records managers.

## **People Consulted**

### **Article 19**

Mr Henry Maina, Director

### **Communications Commission of Kenya**

Ms Alice Munyua, Director

### **Directorate of e-Government, President's Office**

Mr John Sergon, Acting ICT Secretary

Ms Zilpher Owiti, ICT Training Officer

### **Kenya Anti-Corruption Commission**

Mr Willis Wasala, Senior Officer (Research)

### **Kenya Bureau of Standards**

Mr Micah Rachuonyo

Ms Patricia Kimanthi, Corporate Communications Manager

Mr Charles Gachahi, Chief Manager in Charge of Standardisation

Ms Grace Wamai, Administrator

### **Kenya e-Learning Centre**

Mr Andrew Gakiria, National Co-ordinator

### **Kenya ICT Board**

Mr Victor Kyalo, Deputy CEO / TCIP Programme Manager

Mr Anthony Mugambi, Programme Manager, E-Government Applications

### **Kenya Institute for Public Policy Research and Analysis**

Dr Moses Ikiara, Executive Director

Mr Felix Murithi, Publications Editor

Mr Peter Munene, Procurement Officer

### **Kenya National Archives and Documentation Service**

Mr John Mreria, Director

Mrs Agneta Akhaabi, Deputy Director

Mary Kucio

Mr Richard Wato, Chief Archivist

### **Energy, Information and Communications Committee, Kenya National Assembly**

Hon. Eng. James Rege, MP, Chairman

### **Law Africa**

Ms Katarina Juma, Director

### **Ministry of Information and Communications**

Dr Bitange Ndemo, Permanent Secretary

**Ministry of Lands**

Mr Albert Tuli, Under Secretary

Head of ICT

Librarian

Staff of the Central Registry, Policy Registry and Nairobi Registry

**National Communications Secretariat**

Mr Daniel Obam, Policy Expert

**Ministry for State for Public Service, Personnel Office**

Ms Rachel Okumu, Deputy Director, Human Resource Management.