



# **Administrative Effectiveness**

## **Handout 6**

### **Legal Framework**

## **Legal framework for a sound records management programme**

The [Constitution, 1996](#) provides the foundation for efficient and effective public service delivery. It provides for national legislation to be enacted to establish the general policy framework according to which governmental bodies should operate to ensure effectiveness and efficiency.

The [National Archives and Records Service of South Africa Act, 1996](#) provides the legal framework according to which the National Archives and Records Service regulates the records management practices of all governmental bodies. In accordance with [section 13 of the National Archives and Records Service of South Africa Act, 1996](#) the Records Management Division –

- investigates and approves the prescribed [records classification systems](#) before implementation to ensure that these systems satisfy the requirements of accountability and transparency;
- examines [public records](#) with a view to issuing [disposal authorities](#) on all public records to enable governmental bodies to [dispose](#) of records no longer required for functional purposes;
- determines the conditions subject to which records can be microfilmed or electronically reproduced to ensure that the requirements for archival preservation are addressed timeously;
- determines the conditions subject to which [electronic records systems](#) should be managed to ensure that sound records management practices are applied to electronic records systems from the design phase onwards;
- inspects public records to ensure that governmental bodies comply with the requirements of the [National Archives and Records Service of South Africa Act](#);
- issues directives and instructions as to the management and care of public records in the custody of governmental bodies;
- provides training to records managers, senior administrative officials, training officials, work study officials and [registry](#) heads with a view to teaching the basics of records management and explaining the National Archives and Records Service's role in promoting efficient records management.

### **Areas of responsibility**

#### ***Broad responsibility***

Heads of governmental bodies are ultimately responsible for the records management practices of the governmental bodies under their control. Their responsibilities in terms of the [National Archives and Records Service of South Africa Act, 1996](#) are set out in the [National Archives and Records Service of South Africa Regulations](#) and the [Records Management Policy Manual](#).

#### ***Records manager***

Heads of governmental bodies should, in terms of [section 13\(5\) of the National Archives and Records Service of South Africa Act, 1996](#), designate staff members at the senior management level to whom they can delegate the responsibility to ensure that sound records management practices are implemented and maintained. These officials are the [records managers](#) of the bodies.

### **Users**

Sound records management is a collective responsibility which all members of staff have an equal obligation to maintain.

All users should be aware of the policies, procedures, and tools for managing records and they should be capable of applying them consistently to all records. The full co-operation of the users is necessary to file documents into the filing system and to protect records against loss and damage. Without this, there will be no records to manage.

### **National Archives and Records Service**

The [National Archives and Records Service of South Africa Act, 1996](#) empowers the National Archives and Records Service to ensure the proper management and care of all public records. To this end the National Archivist mandated the [Records Management Division](#) of the National Archives and Records Service to promote sound records management practices in governmental bodies.

## **Elements of a sound records management programme**

### **Records management policy**

Records managers should implement records management policies, which are endorsed by the heads of the governmental bodies and their top management teams as well as by the National Archives and Records Service.

The [records management policy](#) should address, within the broad policy guidelines provided for by the [National Archives and Records Service of South Africa Act](#), all aspects of the identification, security, safe custody, disposal and retrieval of records.

### **Records management procedures**

The records management policy should be backed by the governmental body's records management procedures. These procedures should be designed within the broad records management principles established by the [National Archives and Records Service of South Africa Act](#) and take into account the unique functions, structures and resources of each governmental body.

### **Records classification systems**

Each governmental body should implement and maintain the following prescribed recordkeeping systems:

- [File plan](#), which is a plan by which documentation is arranged and stored to facilitate efficient retrieval and disposal. The file plan is used for both current paper-based and current electronic correspondence systems; and the
- [Schedule for records other than correspondence files](#), which enables governmental bodies to manage records other than correspondence systems. These records are subject to the same requirements of control, care and disposal as records kept in correspondence systems. The records control schedule consists of the following parts:
  - [Schedule for paper-based records other than correspondence systems](#), which contains a description of all paper-based current records other than correspondence files;
  - [Schedule for microfilm records](#), which contains a description of all micrographic records and projects;
  - [Schedule for electronic records systems other than the correspondence system](#), which contains a description of all electronic information systems other than the electronic correspondence system;
  - [Schedule for audio-visual records](#), which contains a description of all audio-visual records.

### **Record control mechanisms**

Each governmental body should implement and maintain the following record control mechanisms

- **Register of files opened**, which contains a description and opening dates of all files that were actually opened according to the subject provisions in the filing system.
- **Register of disposal authorities**, which contains copies of all disposal authorities issued by the National Archives and Records Service, to that specific governmental body.
- **Destruction register**, which contains information on the year in which non-archival records are due for destruction.

### **Disposal programme**

A systematic disposal programme should be implemented -

- [Templates for applications](#) for disposal authority
- by applying the National Archives and Records Service's [General Disposal Authorities](#) for records that are common to most offices;

- by [applying for disposal authority](#) (part 4 of the Records Management Policy Manual) on all current and terminated paper-based, electronic, micrographic and audio-visual records, which are not covered by the General Disposal Authorities;
- by ensuring that retention periods are determined for all [non-archival](#) records when the disposal authority has been issued; and
- by ensuring that the disposal authorities are carried out on a regular basis.

### **Training**

Records managers should attend the National Archives and Records Service' [Records Management Course](#) to equip them with the necessary skills to enable them to perform their tasks.

After attending the course, the records managers should ensure that all staff members are capable of reading the filing system and allocating file reference numbers to documentation. They should also ensure that all staff members are conversant with the proper registry procedures to enable them to support the Registry to function properly.

The records managers should ensure that all registry staff are equipped with the necessary skills to enable them to carry out their functions properly.

### **Managing electronic records**

The National Archives and Records Service, in terms of its statutory mandate, 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. The National Archives and Records Service endorses the SANS (ISO) 15489 Records Management Standard, SANS (ISO) 23081 Metadata for Records and SANS (ISO) 15801 Trustworthiness and Reliability of Records Stored Electronically. These are benchmarking tools for sound records management. The primary benchmark for creating and managing electronic records in office environments which is endorsed by the National Archives and Records Service is contained in the suite of publications [Principles and Functional Requirements for Records in Electronic Office Environments](#) adopted by the International Council on Archives in 2008. Module 2 of these publications, [Guidelines and Functional Requirements for Electronic Records Management Systems](#) relates to structured records systems such as those in which records are managed according to a file plan. A product that complies with these standards would possess the records management functionality required by the National Archives and Records Service.

The National Archives and Records Service requires governmental bodies to implement and maintain Integrated Document and Records Management Systems that provide as a minimum the following records management functionality:

- managing a functional subject file plan according to which records are filed;
- managing e-mail as records;
- managing web-sites as records;
- maintaining the relationships between records and files, and between file series and the file plan;
- identifying records that are due for disposal and managing the disposal process;
- associating the contextual and structural data within a document;
- constructing and managing audit trails;
- managing record version control;
- managing the integrity and reliability of records once they have been declared as such; and
- managing records in all formats in an integrated manner.

Not many governmental bodies have the capacity to implement fully automated Integrated Document and Records Management Systems. This does not however mean that they should not manage their electronic records. If these records are created to aid in decision-making and to perform transactions that support the governmental bodies' activities, governmental bodies are responsible for the proper management of those records. If records generated in such an environment are not managed properly it can lead to the possible illegal destruction of records. To enhance their accountability, bodies should ensure that, even without the benefit of an Integrated Document and Records Management System, they exercise effective records management.

Detailed information regarding the management of electronic records is contained in the National Archives and Records Service's two publications [Managing electronic records in governmental bodies: Policy, principles and requirements](#) and [Managing electronic records in governmental bodies: Metadata requirements](#). Both publications are available on the National Archives and Records Service's website or can, alternatively, be requested in hard copy from the Records Management Division of the National Archives and Records Service.

Useful training and good practice materials on electronic records management produced by the International Records Management Trust (IRMT) may be downloaded from the IRMT's website at <http://www.irmt.org/researchReports.html>

### **Records Management Publications**

*Hard copies of these publications are also available on request. Indicate those needed and fax or e-mail a copy of the list to fax number 086 640 0605 or e-mail address [rm@dac.gov.za](mailto:rm@dac.gov.za) and mark with the following subject : **Request for hard copies.***