RECORDS MANAGEMENT AND THE PROPOSED FREEDOM OF INFORMATION LEGISLATION AT THE MINISTRY OF INFORMATION, CULTURE AND SPORTS, TANZANIA.

BY

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Your memories will live with us forever and I shall forever cherish and love you all.

ABSTRACT

The implementation of FOI Law depends upon effective records management because records management practices are deemed to underpin public offices ability to comply with the FOI Act. Therefore, records management issue should be addressed by a FOI Law and ideally improvements implemented prior to its introduction. The aim of this study was to investigate records management and the proposed Freedom of Information Legislation with a view to develop a RM framework to enable implementation of FOI legislation.

The specific objectives of the study were: establish how management of records in their continuum will cope with FOI requests; investigate the infrastructural capacity for records management and how it fosters the implementation of the proposed FOI law; Investigate the implication of FOI law on RM practices; Determine the role of Tanzania Records and Archives Management Division in assisting the Ministry to comply with FOI requests; Find out challenges the Ministry face in meeting requirements of FOI law and propose records management framework to support the implementation of the proposed FOI law.

The theoretical framework for this study was derived from the Records Continuum Model. A sample of 55 respondents was selected for the study using purposive and convenient random sampling techniques. The study sample included 9 top management staff, 13 action officers, 18 registry staff, and 15 RAMD staff. The study was qualitative in nature, and data were collected using interviews and supplemented by observation. The data were analyzed qualitatively, using descriptive and interpretive analysis methods where frequency distribution tables were used.

The major findings of the study were: Records management could be a prime driver towards fostering the implementation of freedom of information law because of the fact that without proper records management, FOI law implementation could not be realized; The contributory factors to poor records management were lack of a policy for managing records, poorly trained RM personnel and senior officers' lethargy; The proposed Freedom of Information Legislation was prematurely tabled and poorly conceived because of non involvement of one key player that is Records and Management Division (RAMD); RAMD was not playing any meaningful role in advising the ministry on the management of electronic records.

The study recommended that: RAMD should develop awareness programmes aimed at senior management in all Ministries, Departments and Agencies across the government to sensitize them on the importance of records; The top management in the MoICS should allocate enough budgets on RM activities; policy, standards, guidelines and procedures should be developed by RAMD and the top management in the MoICS so as to improve management of records in the ministry; the records management legislation should be reviewed to address the overall management of digital records. A proposed records management framework for managing records in both formats is provided.

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LIST OF ABBREVIATIONS AND ACRONYMS

AS   :   Australian Standard

NSWSR   :   New South Wales, State Records

CSD   :   Civil Service Department

COSTEC   :   Commission of Science and Technology

DAP   :   Director of Administration and Personnel

DFID   :   Department for International Development

DAHRM   :   Director of Administration and Human Resources Management

ERMS   :   Electronic Records Management Systems

EDRMS   :   Electronic Document and Records Management systems

RM   :   Records Management

FOIA   :   Freedom of Information Act

FOI   :   Freedom of Information

HCMIS   :   Human Capital Management Information Systems

HRIS   :   Human Resource Information Systems

ISO   :   International Standards Organization

ICA   :   The International Council on Archives

ICT   :   Information and Communication Technology

IRMT   :   International Records Management Trust

KNADS   :   Kenya National Archives and Documentation Services

LGAs   :   Local Government Authorities

MoICS   :   Ministry of Information, Culture and Sports

MDAs   :   Ministries, Departments and Agencies

MoEM	:	Ministry of Energy and Minerals
NARA	:	National Archives of USA
NRC	:	National Records Center
NARS	:	South Africa National Archives and Records Services
NPAN	:	Newspaper Proprietors Association of Nigeria
NGOs	:	Non Governmental Organizations
PO-PSM	:	President's Office, Public Service Management
PCCB	:	Prevention and Combating of Corruption Bureau
PSRP	:	Public Sector Reform Programmes
PIR	:	Privacy International Report
QDA	:	Qualitative Data Analysis
RTB	:	Right to Information Bill
RAMD	:	Records and Archives Management Division
RTIA	:	Right to Information Act
RMAs	:	Records Management Assistance
SADC	:	South African Development Commission
UK	:	United Kingdom
USA	:	United States of America
UCL	:	University College of London
UNESCO	:	United Nations Education, Science and Cultural Organization
URT	:	United Republic of Tanzania
WB	:	World Bank

CHAPTER ONE: BACKGROUND TO THE STUDY

1.0   Introduction

This chapter provides background information to the study. It defines the concepts of Records, Records Management and Freedom of Information. Further it provides background information for the Ministry of Information, Culture and Sports (MoICS). Other themes covered include the statement of the problem, aim and objectives of the study, research questions, study assumptions, significance of the study and scope and limitations of the study.

1.1   Concept of a Record

International Standards Organization (ISO) 15489 Standard on Records Management (2001) defines a record as information created, received and maintained as evidence and information by an organization or person, in pursuance of legal obligation or in the transaction of business. The International Council on Archives (ICA), Committee on Electronic Records (2005) observes that, a record is a recorded information produced or received in the initiation, conduct or completion of an institutional or individual activity and that comprises content, context and structure sufficient to provide evidence of the activity. Shepherd and Yeo (2003) explain a record as an evidence of an activity. An essential characteristic of a record is that it provides evidence of some specific activity (URT, 2002).

The Tanzania Records and Archives Management Act (2002) defines a record as; "Recorded information regardless of form or medium created, received and maintained by any institution or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business" According to International Council on Archives (ICA) characterization of a record, records are identified by three key issues which are content, context and structure where as content is what the record is all about; structure has to do with the name, address and signature and context is how the record came to be (ICA, 2001).

The ISO 15489, Standards on Records Management (2001) outlined characteristics of a record as follows:

- General

A record should correctly reflect what was communicated or decided or what action was taken. It should be able to support the needs of the business to which it relates and be used for accountability purposes.

- Authenticity

An authentic record is one that can be proven to be what it purports to be, to have been created or sent by the person purported to have created or sent it, and to have been created or sent at the time purported.

- Reliability

A reliable record is one whose contents can be trusted as a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.

- Integrity

It is necessary that a record be protected against unauthorized alteration. Records management policies and procedures should specify what additions or annotations may be made to a record after it is created, under what circumstances additions or annotations may be authorized, and who is authorized to make them. Any authorized annotation, addition or deletion to a record should be explicitly indicated and be traceable.

- Usability

A useable record is one that can be located, retrieved, presented and interpreted. It should be capable of subsequent presentation as directly connected to the business activity or transaction that produced it.

1.1.1 Importance of Records

Records document decisions and activities of government and private institutions and serve as a benchmark by which future activities and decisions are measured. The World Bank (2007) further opines that governments that rely on the rule of law depend upon legislative records, police and prison records. To demonstrate accountability to the citizens a government relies upon policy files, budget papers, accounting records, procurement records, personnel records, tax records, customs records, electoral registers and property and fixed assets registers. Protection of entitlements depends upon pension records, social security records, land registration records and birth / death records.

Records provide evidence of human activities and transactions underlie the rights of individuals and states, and are fundamental to democracy and good governance

(International Council on Archives (ICA), 2001). Records contain information that is a valuable resource and an important business asset. A systematic approach to the management of records is essential for organizations and society to protect and preserve records as evidence of actions (ISO 15489, 2001).

Further, ISO 15489 Standards on Records Management (2001) noted that records enable organizations to:

- Deliver services in a consistent and equitable manner;

- Conduct business in an orderly, efficient and accountable manner;

- Support and document policy formation and managerial decision making;

- Provide consistency, continuity and productivity in management and administration;

- Facilitate the effective performance of activities throughout an organization;

- Meet legislative and regulatory requirements including archival, audit and oversight activities;

- Provide protection and support in litigation including the management of risks associated with the existence of, or lack of, evidence of organizational activity; and

- Protect the interests of the organization and the rights of employees, clients and present and future stakeholders.

1.2   Records Management

Kemoni (2007) quoting Yousof and Chell, (1999) noted that there is no universally accepted definition of records management. However ISO 15489 (2001) defines records management as the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the process for capturing and maintaining evidence of and information about business activities and transactions in the form of records. According to the South Africa National Archives and Records Services (NARS) (2006), records management is a process of ensuring the proper creation, maintenance, use and disposal of records to achieve transparent and accountable governing. In short, sound records management ensures that all records that governmental bodies creates in the conduct of their official business are, and remain authoritative and authentic.

According to International Council on Archives (ICA) (1999), records management is a process which involves:

- Creating, approving and enforcing record policies, including a classification system and record retention policy;

- Developing a record storage plan which includes the short and long term housing of physical and digital information;

- Identifying existing and newly created records and classify them, and then storing them according to standard operating procedures;

- Coordinating access and circulation of records within and even outside the organization; and lastly

- Executing a retention policy to archives and destroy records according to operational needs, operating procedures, status and regulations.

Generally, records management systems aid in the capture, classification and on doing management of records throughout their life cycle.

Taylor (1996) defines records management as the disciplined organization function of managing records to meet operational business needs, accountability requirements and community expectations. The emphasis of this definition is on records managements meeting transparency and accountability in society. The definition reflects the growing perception among recordkeeping scholars and practitioners in Africa that the record and archives management profession Australia had broken new ground by linking records management with transparency, accountability and good governance agency agenda (Kemoni and Ngulube, 2007). Of late, issues of democratization, transparency accountability and good governance have taken centre – stage in Africa.

According to Wamukoya (1996) records management incorporates the policies, systems and professional management techniques, systematically applied to the control of recorded information to enhance organization's efficiency and effectiveness while at the same time consolidate its evidential base. This definition emphasizes aspects relating to records policies, systems, professional and managerial roles that capture information to enhance organizational efficiency.

Griffin and Roper (1999) highlighted various aims and objectives of records management. These include:

- Managing records during their life cycle;

- Providing services to meet the needs and protect the interests of the organization, staff and clients;

- Capturing complete, accurate, reliable and useable documentation of an organization's activities to meet legal, regulatory, evidential and accountability needs;

- Managing records as a resource; and

- Promoting efficiency and economy through sound recordkeeping practices.

Records management governs the practice of both records managers and of any person who creates or uses records in the course of his/her business activities (ISO 15489, 2001). Records management in an organization includes:

- Setting policies and standards;

- Assigning responsibilities and authorities;

- Establishing and promulgating procedures and guidelines;

- Providing a range of services relating to the management and use of records; and

- Integrating records management into business systems and processes

1.3 Freedom of Information (FOI) Law

Freedom of Information (FOI) refers to the legal right of access to government information given to the public (Sebina, 2006). It creates an environment in which government information flows freely to the public albeit some exemptions. This means that the public should be free to exercise the right to access government information

without any fear of reprisal or intimidation. Access by the public to the government information is interminably linked to the existence of an environment that encourages public access than impede it. Hence, the notion of the public being given the freedom to access the information.

Access to information legislation provides citizens with a statutory 'right to know' (UK FOI Act, 2000). In practice the specific provisions of the legislation will determine the extent to which citizens are able to obtain access to records of government activities. The intention is to provide access whenever disclosure is in the public interest, not for public officials to use the legislation as a secrecy law.

There are many reasons for having freedom of information legislation: to make government more accountable, increase public participation, promote the involvement of all in public life, including those currently marginalised, like women; to make private companies more accountable, monitor and expose corruption, lead to better decision making, protect privacy, expose human rights violations, and promote workers' rights; and to make the country more secure (Nyokabi, 2007).

Access to information makes the government more sensitive and responsive to the needs and demands of the ordinary people. A freedom of information law increases public participation, because the public can regularly engage with government officials and parliamentary representatives. Freedom of information entails the rights of citizens of a country to access official information held or in the custody of their government. It

invokes an obligation on the government to facilitate easy access to information under its docket, and, significantly, to publish important information.

Good governance, an essential component of any thriving democratic state, is premised on a system of openness, trust and government accountability. This can only be achieved if the public is involved in the process of governance. If the general public knows the functions, policies and decisions made, they can question the government on the basis of the information obtained, and, most importantly, the reasons for the government's actions. It is thus necessary that the government develops a clear policy on the freedom of information in a bid to ensuring that subsequent legislation – freedom of information laws - are implemented effectively and based on accepted

The right to information underpins all other human rights; it is the cornerstone of all other rights. The right is encapsulated in the 1948 Universal Declaration of Human Rights (UDHR) under Article 19. It is similarly enshrined in the International Convention of Civil and Political. The right to information is enshrined in the section 79 of the constitution, which provides for freedom of expression. The right is however derogated from through various pieces of legislation; chief among them is the Official Secrets Act. This position was sought to be corrected in the draft constitution, article 51 of which expressly provides for the right of access to information, and requires an enabling law be enacted within six months of the coming into force of the new constitution.

According to the UK FOI Act (2000), key points of FOI laws are:

- confers legal rights on citizens that can be enforced;

- seeks to change the culture of secrecy within the public service;

- provides access to records not just information;

- defines exemptions; and

- defines rights of appeal.

In many countries the principles of freedom of expression and free exchange of information are enshrined in the constitution. However specific freedom of information legislation is required for citizens to exercise these rights (Sebina, 2006). Furthermore, the 1996 constitution of South Africa contains provisions for the rights of access to information, requiring that these rights be enabled by specific legislation. The Promotion of Access to Information Act (2000) sets out its aim in the preamble:

> *To give effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights…*

The Act further aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

Countries that have introduced FOI are seeking to replace the 'culture of secrecy' that prevails within public service with a 'culture of openness' (UK FOI Act, 2000). FOI laws are intended to promote accountability and transparency in government by making the

process of government decision-making more open. The intention is to make disclosure the rule, rather than the exception. Although some records may legitimately be exempt from disclosure, exemptions should be applied narrowly. FOI serves to make government more accountable to the legislature as well as citizens. By making information on executive programmes more accessible, the members of the legislative branch of government will be able to exercise their monitoring role more effectively because they will be better informed.

Under freedom of information laws, citizens usually have the right to request copies of documents, not just the information contained within. The absence of FOI can result in government subverting programmes and policies either through inaction or ineptitude. It further contributes at making the public apathetic and complacent of the activities of government (Sebina, 2006). FOI is based on the understanding that information maintained and used by government, is a reflective of how public resources are expended, thus there is a need to open up unless there are extenuating reason for its closure (Mwakyembe, 2005). FOI is linked to the need of government being accountable to the public. Where government operates in secrecy the decision making process is obscured from the public. This therefore prevents government conduct to be appraised and judged by the public.

1.4 Records Management and FOI Law

The implementation of FOI Law depends upon effective records management (Sebina, 2006). Records management practices are deemed to underpin a public authority's ability

to comply with the FOI Act. In UK, for example, the relationship between FOI legislation and the practice of corporate records management was formally recognized by parliament in the form of a code of practice on records management, which states that (The UK Freedom of Information (FOI) Act 2000) :

> *Freedom of information legislation is only as good as the quality of the records and other information to which it provides access. Such rights are of little use if reliable records are not created in the first place, if they cannot be found when needed or if the arrangements for their eventual destruction or transfer to an archives service are inadequate*

Therefore records management issues should be addressed by a FOI Law and ideally improvements implemented prior to its introduction (Sebina, 2006). This is because even legally enforceable rights of access to information are meaningless if government records are chaotic (Mwakyembe, 2000).

Absence of accountability translates into absence of transparency. Where both accountability and transparency are non existence, good governance is bound to fail (Mwakyembe, 2005). Chibambo (2003) argued that records are inextricably entwined with transparency, accountability and all other forms of good governance. For good government to be transparent and accountable, it should provide the public with an independent right to the information it manages and uses. An accountable government relies on a public which has keen interest in its affairs and is willing to inform itself about government activities.

One of the provisions of most FOI laws is that agencies must publish lists of the records series that they hold. Therefore series must be organized and captured within a record keeping system (UK FOI Act, 2000). This means that sound records management principles must be adhered to if governments are to successfully implement the requirements of access laws.

In UK, during the lead up to the enactment of the full provisions of the Act in 2005, the theme of good records management practice was advocated by the Information Commissioner, who has responsibility to promote the observance of the Code (UK FOI Act, 2000). The Code was accompanied by detailed guidance from The National Archives, and from some professional associations. The Code itself is not compulsory, but it is held to be best practice. Nevertheless, the Information Commissioner can intervene in cases where public authorities are found to be failing to meet expected standards of good practice by providing advice, carrying out assessments, issuing Practical Recommendations and Enforcement Notices.

Some countries, fore example Argentina, Tanzania, Kenya, Indonesia, Ghana, and Bangladesh have embarked recently on the review and modernization of their records and archives legislation; others like Sweden (1766), USA (1966), Denmark (1970), Canada (1983), UK (2000) and South Africa (2000) have introduced FOI law and privacy legislations (Privacy International Report (PIR), 2006).

According to the report given by Privacy International (2006) on FOI laws and decrees around the world, nearly 70 countries world wide had adopted comprehensive FOI Act to facilitate access to records held by government bodies, and around 50 countries had pending efforts to enact these laws. Further, many African countries have been mentioned by the report as having pending efforts to enact FOI Act Such as Botswana, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Tanzania, and Zambia.

1.5 Background of the Ministry of Information, Culture and Sports

The President of Tanzania issued a Notice on assignment of Ministerial responsibilities (Instruments) (Vide Government Notice No.1 of January, 2006). This assignment of responsibilities and functions is a creation of the first Cabinet in the Fourth Phase of Government. In that creation the Information, Culture and Sports sectors have been merged to form a fully fledged ministry called Ministry of Information, Culture and Sports.

The mission of the Ministry of Information, Culture and Sports is "*to foster national identity by facilitating free flow of information, promoting national cultural values and norms and promoting games and sports*".

The vision of the Ministry of Information, Culture and Sports, is "*to have a nation that is well informed, and enriched with culture and sports*".

This Ministry has the following divisions and units

- Information Services Division

- Culture Development Division

- Sports Development Division

- Administration and Human Resources Management Division

- Procurement Management Unit

- Policy and Planning Division

- Finance and Accounts Unit

- Internal Audit Unit

- Information, Education and Communication Unit.

1.6 Statement of the Problem

Various studies have demonstrated the relationship between records management and implementation of freedom of information law (Mnjama, 2003; Mutula, 2006; Sebina, 2006; Shepherd and Ennion, 2007 and Shepherd and Stevenson, 2009).

Despite the initiatives done by the Public Sector Reform Program (PSRP) and the responsibilities given to the heads of public offices by the Tanzania Records and Archives Management Act (2002), records management condition at the Ministry of Information, Culture and Sports (MoICS) is not satisfactory (PO-PSM Report, 2008). Records are still manually held in files and unsystematically stored making their retrieval and use difficult, if not impossible. Cases of misfiling, missing files, lost of folios and officials holding files in their offices were common at the ministry. All these were caused by poor records management practices (PO-PSM Report, 2008).

Major problems facing records management at the MoICS as cited by (the PO-PSM report, 2008) include**;** Lack of enough space to store both current and semi current records, Lack of regular training for registry personnel to enable them to improve their skills so as to match with ongoing technological changes, Poor management of electronic records, and Lack of sustainability of new records management systems introduced to them by RAMD staff.

Following the proposed Right to Information Bill (2007), positive steps need to be taken to improve records management at the ministry to facilitate compliance with the Bill and FOI requests by citizens.

This study investigated records management and the implementation of the proposed Freedom of Information (FOI**)** Legislation at the Ministry of Information, Culture and Sports, Tanzania with a view to developing a records management framework to enable the ministry comply with FOI Legislation.

1.7 Aim of the Study

The aim of the study was to investigate records management and the proposed Freedom of Information (FOI) Legislation at the Ministry of Information, Culture and Sports, Tanzania and develop a records management framework to enable implementation of the FOI Legislation.

1.8 Objectives of the Study

The specific objectives of the study were to:

1. Find out how management of records in their continuum will cope with the proposed freedom of information requests.

2. Establish the infrastructural capacity for records management and how it will foster the implementation of the proposed freedom of information law.

3. Investigate the implication of the proposed freedom of information law on records management practices.

4. Determine the role of Tanzania Records and Archives Management Division in assisting the Ministry to comply with the proposed Freedom of Information Law.

5. Find out the challenges the ministry faces in meeting requirements of the proposed Freedom of Information Law.

6. Propose recommendations and a records management framework to address the gaps identified by the study and assist the implementation of freedom of information law in the ministry.

1.9 Research Questions

The study sought to answer the following questions:

1. To what extent do records management practices in their continuum cope with the proposed FOI requests?

2. What is the role of records management in fostering the implementation of the proposed FOI Act?

3. How can Tanzania Records and Archives Management Division assist the Ministry to comply with the proposed FOI requests?

4. What are the challenges does the Ministry face in complying with the requirements of the proposed FOI law?

5. How can the identified challenges be addressed?

1.10 Assumptions of the Study

The study is based on the following assumptions:

1. The lack of an effective records management framework will undermine the Ministry ability to comply with the proposed FOI law.

2. Although the Records and Archives Management Division provides records management advice to the Ministry, such advice is not effective in assisting the Ministry to comply with the proposed FOI requests

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1.11 Significance of the Study

The study has made original contribution to knowledge. It specifically addresses the issue of records management and implementation of the proposed FOI law. Previous studies conducted in Tanzania did not focus on records management and freedom of information. A study by Chachage (2006) focused on Records Management and Business Records in Private Sector while Sichalwe's study (2007) focused on Records Management and Accountability. The present study brings new insights as it links records management and the envisaged FOI Legislation in Tanzania. Thus, study will not only extend the frontiers of knowledge regarding the role of records in the implementation of FOIA but also

towards upholding fundamental human rights as enshrined in various national and international documents/ conventions. Furthermore, it is hoped that the study will contribute to the literature in the field of records and records management, good governance and democracy as a whole.

It is expected that the study recommendations will contribute to the amelioration and improvements of the proposed FOIA with a view of widening the democratic landscape. This is especially so due to the fact that the legislation may as a result guarantees right and increase access to records and information.

Records provide evidence of human activities and transactions, underlie the rights of individuals and states, and are fundamental to democracy and good governance (ICA, 2004). Given the role of records management in enhancing democracy and good governance, it is expected that the study findings will contribute positively towards the country's quest towards entrenching the pillars and consolidation of democracy as well as cementing the good governance culture.

Most importantly however, in Tanzania, there is a death of studies on records and records management as they relate to democracy in general and FOI in particular. Thus it is hoped that the study findings which will be based on empirical research will be a useful addition to this neglected area and to the literature. It is also expected that the study findings will be of significance to the policy – makers and human right activists in their conceptualization of the obstacles faced by the country in putting the FOI a reality. It will

help them to come up with practical and realistic action aimed at increasing the potential of FOIA to become the successful agent of democracy, transparency and accountability through increased citizens' access to records and information.

Other beneficiaries would be records management scholars, educators, researchers and students in Africa undertaking studies related to the role of records and information in socio–economic and political set up. Finally the findings would offer valuable lessons to other countries in the region on the need of not only to effectively manage government information but also to make sure that it is accessible to citizens and that records accessibility play a pioneering role in the implementation of

FOIA.

1.12 Scope and Limitations of the Study

Although Tanzania has 26 Ministries, this study focused on the Ministry of Information, Culture and Sports because it deals with fostering national identity by facilitating free flow of information thus the researcher would get much information concerning the proposed Right to Information Bill in Tanzania. The scope of respondents was limited to the following categories: The Management, the Action Officers, the Registry Personnel, and the Director and staff from RAMD. Accountants and auditors were not involved in this study because they are not involved directly on records management.

Study limitations were those related to instruments used to collect data. With regard to interview instrument, lack of standardization in the data process made interviewing

highly vulnerable to interviewer bias. Also the very flexibility that is the chief advantage of interview leaves room for the interviewers' personal influence and bias. Having these in mind the researcher consciously regulated her perspectives and ability to remain unbiased. Considerable efforts were made to overcome these problems including frequent reflexivity. As O'brien (1998) said, the principle of reflexivity ensures researchers reflect on issues and processes and makes explicit the interpretations, biases, assumptions and concerns upon which judgment are made. It took some time to interrogate my own bias so that I had an open mind when undertaking the field work and analyzing the results.

Another limitation is that few studies had been done in Tanzania linking records management and the proposed Freedom of Information Law. Thus literature relating to the topic was scanty, researcher relied on literature from outside Tanzania. The findings of the study will contribute by generating new source materials on the subject.

1.13 Summary
This chapter has presented background information to the study. The issues covered are statement of the problem, aim and objectives of the study, research questions, assumptions of the study, significance of the study, and scope and limitations of the study and ethical considerations. The key themes which emerged from the literature is that records management plays an important role in fostering the implementation of Freedom of Information Law and Freedom of Information Law has the potential of reinvigorating the records management and lead to its recognition as an important corporate function in the public service.

1.14 Definition of Key terms

Accountability: principle that individuals, organizations and the community are responsible for their actions and may be required to explain them to others (ISO 15489, 2001).

Case Study: is an intensive investigation of a particular unit under consideration (Kothari, 2004).

Freedom of Information: Provides citizens with a statutory 'right to know' (UK FOI Act, 2000).

Good governance: Prevails when the government manages public institutions in an efficient, transparent and responsive manner and when citizens are engaged with the government in the pursuit of mutually beneficial economic, social, political and cultural objectives (World Bank, 2007).

Interview: interview is person to person verbal communication in which one person (or a group of people) asks the other questions intended to elicit information or opinions (Oso and Onen, 2008).

Literature Review: is the systematic identification, location, retrieval, analysis and evaluation of documents containing information that are related to the research problem, as well as analysis of casual observations and opinions related to the planned research (Oso and Onen, 2008).

Observation: is the most commonly used method especially in studies relating to behavioral sciences where information is sought by the way of investigator's own direct observation without asking from the respondent (Kothari, 2004).

Qualitative Data Analysis: is the range of processes and procedures whereby we move from the qualitative data that have been collected into some form of explanation, understanding or interpretation of the people and situations we are investigating (Atkinson et al, 1996).

Record: Information created, received and maintained as evidence and information by an organization or person, in pursuance of legal obligation or in the transaction of business (International Standards Organization (ISO) 15489 Standard on Records Management 2001).

Records Management: the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the process for capturing and maintaining evidence of and information about business activities and transactions in the form of records (ISO 15489, 2001).

Records Life Cycle Model: is analogy from the life of a biological organism which is born, lives and dies, in the same manner a record is created/received in the office, it is organized, used and maintained and later disposed of (Millar, 1997)

Records Continuum Model: is a consistent and coherent regime of management process from the time of creation of records (and even before creation, in the design of recordkeeping systems) through to the preservation and use of records as archives (Xiaomi,2003).

Research Method: are all those methods/techniques that are used for conduction of research (Kothari, 2004).

Research Design: used to refer to the pragmatic aspects of the way the research was conducted (Oliver, 2004).

Rule of law: entails that there is a fair legal framework with impartial laws, an impartial judicial system and an incorrupt police force to impartially enforce the laws (Chibambo, 2003).

Transparency: means that the decisions taken and their enforcement are carried out based on led-out rules and regulations (Chibambo, 2003).

Theoretical Framework: a collection of interrelated ideas based on theories. It is a reasoned set of propositions, which are divided from and supported by data or evidence and they are meant to account for and explain phenomena by clarifying why things are the way they are (Kombo, 2006).

Validity: is the extent to which research results can accurately be interpreted and generalized to other populations. It is the extent to which research instruments measure what they are intended to measure (Oso and Onen, 2008).

CHAPTER TWO: LITERATURE REVIEW

2. 0 Introduction

This chapter provides the theoretical framework upon which the study is based, as well as review of literature. It presents the meaning and importance of literature review in research and an overview of some of the existing records management models. The chapter discusses in detail Frank Upward (1998) Records Continuum Model which formed the theoretical framework of the study, including its relevance to the study.

The literature review covers the following themes: benefits of records management; FOI initiatives in Tanzania; the state of records management in Tanzania; Initiatives to enact freedom of information law in selected African countries; legal framework for records management in Tanzania; Relationship between records management and freedom of information; and review of empirical studies.

2.1 Meaning and Importance of Literature Review

Literature review is a systematic identification, location, retrieval, analysis and evaluation of documents containing information that are related to the research problem, as well as analysis of casual observations and opinions related to the planned research (Oso and Onen, 2008). The author pointed out that a good literature review helps the researcher to:

- Identify what has already been done that relates to the research problem.

- Identify and recognize those who have already worked on the problem;

- Reveal contributions, weaknesses and gaps to be filled as a way of contribution.

- Isolate key issues pertinent to the study.

There are various types of literature review as explained by Kaniki (2002) in Kemoni (2008):

- Historical reviews which consider the chronological development of literature and breaks the literature into stages or phases;

- Thematic reviews which are structured around different themes or perspectives, and often focus on debates between different schools;

- Theoretical reviews which trace the theoretical developments in a particular area, often showing how each theory is supported by empirical evidence; and

- Empirical reviews which attempt to summarize the empirical findings on different methodologies.

The literature was reviewed to establish information sources and content in relation to the research problem of the study. The literature reviewed was focused on the themes related to the objectives of the study and the research questions. Theoretical and empirical review approaches to the literature review were used.

2.2 Theoretical Framework

A theoretical framework is a collection of interrelated ideas based on theories (Kombo, 2006). It is a reasoned set of propositions, which are divided from and supported by data or evidence. They are meant to account for and explain phenomena by clarifying why things are the way they are (Kombo, 2006).

Kemoni (2008) noted that many records management models have been developed by national institutions, archive schools and international professionals and records and archives management scholars. These include: Records Life Cycle Model developed in US in the 1930's, Upward (1998) Records Continuum Model, the International Council on Archives (ICA) (2005) Model, National Archives of Australia (2002) Records Management Model, and the International Records Management Trust (IRMT) (1999) Integrated Model for Records Management.

2.3 The Records Life Cycle Model

The records life cycle theory was developed in the USA in the 1930's and it was inverted by the National Archives of USA (NARA) in response to the ever increasing volume of records produced by organizations (Millar, 1997). The concept is regarded as a theory which provides a framework for the operation of records management program. Theodore T. Schellenberg based on the philosophy that records life cycle is analogy from the life of a biological organism which is born, lives and dies. In the same manner a record is created/received in the office, it is organized, used and maintained and later disposed of (Millar, 1997).

Xiaomi (2001) mentioned four phases of records life cycle as follows:

- Creation phase − where records are created internally (through forms, reports, directions, dictation etc) or externally (through e-mails, IT systems, letters etc).
- Distribution phase - where records are distributed intercompany, intracompany or external to the organization.

- Maintenance and use – this phase deals with filing systems, retrieval tools, storage facilities and equipments, preservation and security of records.

- Appraisal and disposition - records are destroyed or transferred to national archives.

McKemmish (2002) pointed out the weaknesses of records life cycle as follows:

- The model implies that records passes through separate but distinct stages which may not necessarily be correct.

- The concept is task centered representing the tasks as occurring in stages in a set of sequence. This demarcates the work of records managers and archivists and therefore disconnects archivists from current records keeping.

- The life cycle model is too focused on records as physical entities rather than logical entities which excludes electronic records and;

- The concept concentrates on records management tasks and not business process, hence disconnects records management from business functions and activities.

The records life cycle model was not found appropriate for the present study due to inadequacies found especially on the definition of records and lack of mechanism for managing electronic records. The life cycle is based on the idea that records become less important as time passes. Further, the model provides a fragmented framework for records keeping in artificially dividing the mission of records managers and archivists.

2.4 International Records Management Trust (IRMT) (1999) Integrated Model for Records Management

The model was developed by IRMT in 1999. An integrated framework sees the management of records as an archival business geared toward customer satisfaction, service, cost effective management and best value (McKemmish 2001). It is customer driven and integrated into records management through work process. It also produces quality information. According to Xiaomi (2003), there are five levels of integration which built into the management of recordkeeping process as follows:

- Common culture- common understanding and expectations among creators, users, custodians and administration on the values and functionality of documents, records and archives.

- Common standards- consistent terminology and procedures to make the records continuum routine easier to maintain and interface with throughout the record keeping process.

- Information sharing- use of best practice criteria, policies and standards in the business management process.

- Coordination- negotiation and exchange of records management policies permitting separate, but interdependent management to respond to each others needs and limitations.

- Collaboration-partnerships of creators, users, custodians and administrations in implementing integrated frameworks and policies, as well as in accountability for society.

The goal of an integrated approach is to develop collaborative ways of thinking in order to guarantee a reliable, authentic and integrated memory for the organization and society, provide consistent and sustainable recordkeeping services to meet societal needs, and promote professional commitments and value added contributions for best practice (McKemmish 2001).

McKemmish (2001) noted that integrated control provides criteria for measuring three aspects of best practice which are: product control, process control, and client oriented service control as explained below:

- Product control measures the quality and quantity of records and archives management programs output. Indicators of quality are accuracy, authenticity and reliability, and indicators of quantity are completeness and integrity.
- Process control uses integrated frameworks to measure the process of records and archives management. Indicators are effectiveness, economy and efficiency.
- Service control measures the delivery of service by the sustainability and consistency of service to the satisfaction of the clients. The indicators are records availability, accessibility and readability.

This model was not used in the current study because most of its explanations (especially the idea of integration) have been covered more widely by the records continuum model developed by Frank Upward in 1990s.

2.5 The Records Continuum Model

The Records Continuum Model as defined in Australian Standard (AS) 4390 (1996) is a consistent and coherent regime of management process from the time of creation of records (and even before creation, in the design of recordkeeping systems) through to the preservation and use of records as archives (Xiaom, 2003). This definition suggests an ideal integration for documents, records and archives management.

The records continuum as a model was formulated in the 1990s by Australian archival theorist Frank Upward and it is based on four principles (McKemmish, 1997). These are:

- A concept of 'record' inclusive of records of continuing value (archives) stresses their uses for transitional, evidentiary, and memory purposes and unifies approaches to archiving/recordkeeping, whether records are kept for a split second or a millennium.

- Focus on records as logical rather than physical entities, regardless of whether they are paper or electronic form

- Institutionalization of the recordkeeping profession's role requires a particular emphasis on the need to integrate recordkeeping into business and societal processes and purposes.

- Archival science is the foundation for organizing knowledge about recordkeeping, such knowledge is revisable but can be structured and explored in terms of the operation of principles for action in the past, the present and the future. Figure 2.3 presents the Records Continuum Model by Xiaomi (2001).

Figure 2.3 Records Continuum Model
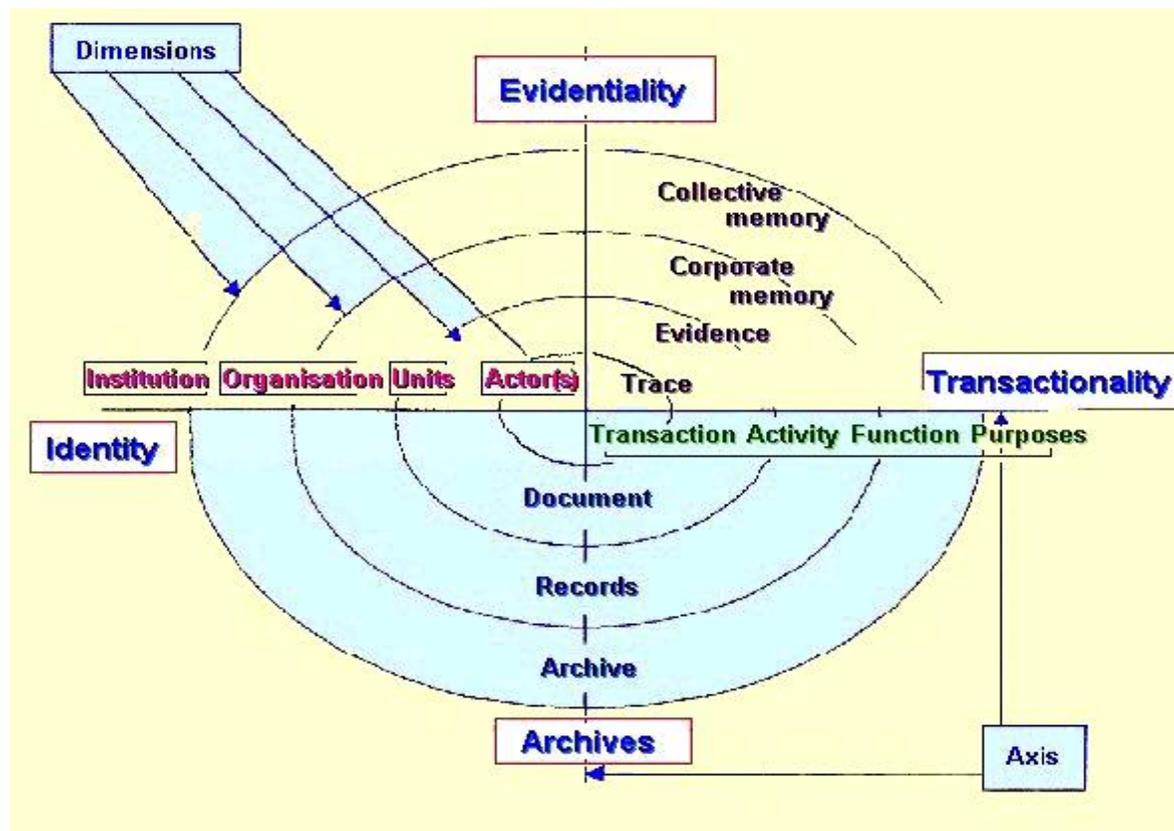
Source: *Xiaomi (2001). A Chinese view of Records Continuum Methodology and*

Implications for Managing Electronic records.

Figure 2.3 above shows The Records Continuum model with four axes dealing with archivists' concerns on four major themes in archival science: evidentiality, transactionality, identity, and recordkeeping containers.

The records continuum model is basically concerned with an integrated approach for managing records and archives (Mc Kemmish, 2001). Mc Kemmish (2001) observed that, the records managers and archivists are brought together under an integrated

recordkeeping framework with the same goal to guarantee the reliability, authenticity and completeness of records. The theory emphasizes cooperation beyond the walls of repositories especially between closely related, if occasionally estranged, professions of archives administration and records management - a cooperation that is more important than ever in the contemporary climate of outstanding and cross sectional working (Flynn, 2001)

Xiaomi (2001) observed that in a continuum there are no separate steps. Managing records is seen as a continuous process in which one element of the continuum passes seamlessly into another. The continuum model or matrix as developed by Frank Upward is presented in the form of cycles that reflects different perspectives in the life cycle of the record. Those perspectives are:

- Create of records (transactionality of activities). This is a reflection of the transactional business activities whereby records are important as a form of documentation.

- Capture of evidence. This is in order to provide an accurate, reliable and trustworthy account of what took place.

- Capture of records in a recognized record keeping system. This helps to preserve records reliability, accuracy, integrity, usability and trustworthiness and;

- The capture of corporate, individual, collective and societal memory. (see figure 2.2 above)

McKemmish (2002) noted that, the mechanisms of best practice behind the records continuum model are ideal for integrating records and archives management because the records continuum focuses on:

- Similarities rather than differences;

- Qualities and quantities rather than quantities alone;

- Positive and cohesive ways of thinking rather than disparate or passive ways;

- Integrated policy making rather than fragmented frameworks;

- Integrated control of policy implementation rather than separate control;

- Integrated rather than disparate approaches to problem solving; and

- Meeting customers needs through collaboration rather than by duplication and overlap.

These arguments highlights the records continuum model importance as a best practice model for managing electronic records when the aim is to improve responsiveness, increase efficiency and satisfy users requirements McKemmish (2002).

The records continuum model has since gained acceptance world wide as the best practice model for managing records and archives including electronic records (Xiaomi, 2001). The advantages of the records continuum model over the life cycle model are grounded in its mechanism, which consists of integration of the documents, records and archives (McKemmish, 2002).

2.5.1 Relevance of the Records Continuum Model to the Study

There is a closer linkage between Records Management (RM) and the Freedom of Information Law. Records management forms the nerve center for the implementation of FOI law since FOI is only realized where records management is fundamental or comes into play. For FOI to work there must be proper RM practices in place that provide for RM during their continuum. The elements of Records Continuum Model therefore have relevance to the study since it emphasizes the importance of managing records at each stage of the life cycle on a continuing basis. The model focuses on the management of records as a continuous process and sees the need to manage records from the perspective of the activities they document rather than visualizing it in consecutive stages, which is the emphasis of the life cycle analogy (Xiaomi, 2001).

Therefore in order for the proposed FOI Legislation to be properly implemented, the records managers and archivists at the MoICS and all other public offices in Tanzania should work together to ensure proper management of records in all stages. The continuum theory purports that records should be managed whether are in offices, records centers, or archives and archival records should be managed as archives as they are being created in offices (McKemmish, 2002). This is the central issue of the continuum theory and one that its proponents insist is missing from the life cycle theory.

The model also focuses on the management of records in the light of such questions as what records need to be captured to provide evidence of an activity, what systems and rules are needed to ensure those records are captured and maintained, how long records

should be kept to meet business and other requirements, how they should be stored, and who should have access to them.

The continuum's purpose-oriented and systems approach to records management will change fundamentally the role of records keepers at the MoICS. Instead of being reactive, managing records after they have been created, records keepers (registry personnel) becomes proactive. In partnership with other stakeholders, identifying records of the ministry activities that need to be retained, then implementing business systems designed with built in record keeping capability, ensures capturing records of evidential value as they are created (McKemmish, 2002).

The application of the model will ensure that there is an increasing total contribution and completeness of records management at the MoICS by improving collaboration among creators, users, archival institution and custodians (RAMD) for better quality of services (Flynn,2001). By increasing collaboration between RAMD and MoICS on records management, the ability for the ministry to meet the requirements of the proposed FOI law will be high because records management practices will be improved and therefore records of all formats will be properly managed from creation to disposition.

The second tool of integration of continuum theory as observed by Xiaomi (2003) i.e. *post modern archival thinking* will enable RAMD to archive a key feature of society's communication process in order to shape the reality rather than just documenting it. It will be a co-creator of knowledge, culture and society rather than just be a passive

recipient, merely guarding and retrieving records and knowledge created entirely by others. This means that RAMD will participate effectively from the creation of records through maintenance and use, to the disposition of records. This in turn will enable the ministry properly manage their records in all formats and all stages because they will be receiving professional assistances from RAMD.

2.6 Benefits of Records Management

The benefits of effective records management as outlined by Blake (2005) include:

- Supporting efficient joint working and information exchange;

- Facilitating evidence based policy-making and supporting administration of data protection principles and effective implementation of freedom of information and other policy legislation through good organization of records; and

- Support accountability by providing reliable records of actions and decision and knowledge management across sectors of government by making reliable information available for sharing, extraction and summarization.

According to Robek, Brown and Stephens (2002) some of the reasons why business and government organizations need records management include: control the creation and growth of records, improve efficiency and productivity, ensure regulatory compliance, minimize litigation risks, safeguard vital information, and preserve the corporate memory.

ISO 15489-1 (2001), World Bank (2005), and IRMT (2005) outlined the benefits of effective records management as follows:

- Protection of rights and entitlements;

- Providing services to citizens;

- Meeting legislative and regulatory requirements;

- Effective management of state resources;

- Supporting accountability by providing reliable records of actions and decisions;

- Assigning responsibilities and authorities; and

- Maintaining corporate, personal and collective memory.

2.7 FOI Initiatives in Tanzania

The government of Tanzania introduced a bill known as 'RIGHT TO INFORMATION BILL (RTB)' (2007). The bill consists of four parts; these are preliminary provisions, right of access to information, exempt documents and appeals against decisions.

In a much welcomed development, President J.M Kikwete in the year 2006 made announcement regarding the planned omnibus law indicated that it would include provisions guaranteeing access to information held by public institutions. Media organizations had been pressing for such a law since 2001, but the issue did not gain ground until 2006 when members of the parliament began openly acknowledging a need to protect journalists who collect and disseminate information as part of their professional duties (Media Institute of Southern Africa-Tanzania (MISA-TAN) report, 2008).

However the president stated that the government was in the process of consulting with the media groups on the proposed legislation and that the bill dubbed the right to information bill 2007 would be presented for discussion by the National Assembly around mid-2007.

While enactment of the bill progressed somewhat more slowly than anticipated, discussions of the measure continued through the year. In November 2007 the coalition on the freedom of information, a stakeholders' group consisting of members of the country's media and legal communities, forwarded proposed language for the Right to Information Bill 2007 to Deputy Director of Information Services, who expressed hope that the proposals would be considered and a final presented to the parliament before the end of the year.

The proposal included therefore a call to lawmakers to recognize that information is a human right and to create a commission for information which have quasi – judicial powers and would work towards making sure that information reaches people. It also envisioned the possibility of filing appeals with the High Court and Court of Appeal. The stakeholders further sought the establishment of an information stakeholders' forum, a watchdog of sorts that would have observer status at the commission to ensure that the stakeholders' interests are respected and to provide reports on the commissioner's work to parliament. The general aim of the proposals made was to minimize secrecy and bureaucracy and to make information held by public and private entities universally accessible.

In the year 2007, a particular provision of a separate law, the Prevention and Combating of Corruption Act of 2007 became operational. This law sparked some concern. The coalition for advocacy for freedom of information and expression, which consists of members of various media organizations and Tanzania's legal community pinpointed section 37(1) of the Act as an unacceptable threat to freedom of the press. The provision prevents the media and individuals from reporting alleged offences under investigation by the Prevention and Combating of Corruption Bureau (PCCB). The coalition noted that sources would be less likely to provide information if threatened with possible repercussions under the law. It further noted that members of parliament were also prohibited from discussing corruption suspects which it deemed "a bad indicator to good governance, democracy and human rights" given that public awareness of incidents of corruption help spur government to take action in the matter.

Disappointingly, progress on the remaining proposed Right to Information Bill appeared to stall towards the end of the year 2007. In the late December the country's Minister for information, culture and sports announced that neither the media services bill nor the right to information bill would be presented for enactment in the upcoming parliamentary session, indicating that both drafts required further consideration. However there still efforts from various groups to ensure the enactment of the Right to Information Bill.

2.8 The State of Records Management in Tanzania

A study by UNESCO (1992) on records management in Africa revealed that most of the countries had acute problems on managing current and semi-current records. Although in

Tanzania there were early efforts to control and manage records from their creation to their final disposition, the situation of records management continued to deteriorate. Poor records keeping in Tanzania was influenced by a number of reasons as highlighted by Manyambula (2007):

- Different stages of the records life-cycle were managed by different agencies. The Civil Service Department (now the Public Service Management) was responsible for managing current records while the National Archives was responsible for managing non current records with permanent value i.e. Archives.

- The National Archives Act, 1965 covered only records of permanent value and left other records with no legal authority. Therefore there was no control of records during the creation stage. In this regard, heads of public offices assumed no responsibility to manage their records effectively.

- Registries in ministries, independent departments and agencies had and still have inadequate storage facilities. Therefore most of public offices accommodated both closed and current records in the same storage area.

- Most of registries were staffed by personnel who had little or no records management skills. Registries were a dumping place for non performance employees. Sometimes office attendants, messengers and gardeners were promoted to work as registry personnel.

- The procedure manual in which the registry personnel were using was out of date. The manual had not been revised since 1968.

- Top management gave low priority to records management

The government of Tanzania after recognizing the importance of records, transferred the National Archive to the President's Office, Public Service Management from the Ministry of Education and Culture under the Government Notice Number 289 published on 1st October 1999 (PO-PSM, 2000). Also the PSRP integrated the Records Management Subcomponent (initially funded by DFID and administered by the IRMT) which focused on establishing a viable legal and organizational framework; decongestion of registries and establishing efficient and effective registry systems; establishing a national records centre for semi current records and capacity building for records staff (IRMT, 2007).

Ten years (1997-2007) after the establishment of records management subcomponent, notable achievements had been registered. These include:

- A new piece of legislation (the Records and Archives Management Act NO. 3 of 2002) to govern the management of records from creation to disposition which was passed by the parliament in January 2002;

- Decongestion and installation of a new filing system called " keyword filing system" in 34 Registries in Independent Departments and Agencies (MDAs) and 39 Local Government Authorities (LGAs);

- New scheme of service for records cadre was introduced; as well as numerous capacity building initiatives across the government to raise awareness on the importance of records management at all levels from senior staff to registry clerks;

- Diploma and certificate courses were introduced at Tanzania Public Service College to train records staff at public offices;

- The Records and Archives Department started to recruit staff from the level of degree who numbered 22 graduates by 2007; and

- PO-PSM also aimed at improving the management of personnel records using scanning technology to provide electronic copies of key documents and by 2007 seven ministries had been completed which were set as pilot study (RAMD, 2007).

2.9 Legal Framework for RM and FOI in Tanzania

Despite recent increase in the number of media houses with regard to print and electronic media, Tanzania still lacks any-arching framework legislation to provide for overall FOI (Mwakyembe, 2000). Apart from poor records management, Mwakyembe (2000) highlighted various laws and regulations in Tanzania, which hinder the public to have free access to information as follows:

2.9.1 *The Records and Archives Act (2002)* provides for the right of citizens to consult public records that are over 30 years old. Such records have been selected specifically for long-term preservation in the National Archives, or any other archival repository, under the direction of the Director of Records and Archives Management Division, Public Service Department (Records and Archives Act No. 3, 2002). At the moment, the National Archives building is almost full and virtually nothing post-dating 1973 has been

transferred to the National Archives. As a result, most public records that belong to the Archives are still held in the ministries and are, therefore, inaccessible to citizens.

2.9.2 The *Constitution of the United Republic of Tanzania 1977, especially the amendment made in 1984 regarding the access to information;* Article 18 of the constitution says:

"(1) Without prejudice to the laws of the land, every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers, and also has the right of freedom from interference with his communication.

(2) Every citizen has the right to be informed at all times of various events in the country and in the world at large which are of importance to the lives and activities of the people and also of issues of importance to society."

Access to information, therefore, is a constitutional right in Tanzania, but a right subject to the 'laws of the land' and accompanied by no legal obligation on the part of the government to facilitate its enjoyment. As a result, government ministries, departments, organs, institutions, etc. do not feel legally obliged to give citizens access to the vital information they hold. In fact Article 17 and 30 of the Constitution invalidates the guarantees provided under article 18.

2.9.3 The *National Security Act of 1970* is also another law inhibiting free flow of information. The law makes it an offence attracting from ten years up to life

imprisonment for collecting, writing and publishing information that might be directly or indirectly useful to a foreign power or "disaffected" person. This Act is too presumptuous and stretches the net too wide to the extent of cowing the media and individuals into submission. Even where they have access to information they lapse into self-censorship in fear of infringing the national security law.

2.9.4 The *Public Leadership Code of Ethics Act of 1995* is also an important piece of legislation to look at. It obliges public leaders to declare their assets, which are registered by the Ethics Secretariat. The objective of the Act is to place public leaders in a public spotlight to enable the people to know if their leaders are using their official positions to accumulate wealth. The register of assets declared by public leaders is by law available for inspection by members of the public. It looks quite a healthy avenue to promote access to information. But there are conditions, which render access to such information difficult to realize.

- The person wishing to inspect the register must have lodged a complaint with the Ethics Commissioner against a specific public leader;
- The Ethics Commissioner must be satisfied that the complaint is genuine, relevant and is in good faith;
- The complainant must pay an inspection fee of T.Shs. 1000/=

The law still underscores the necessity for secrecy and confidentiality on the part of public servants. Most of the matters however, simple as they are, are considered Confidential. Access to information is strictly considered an exception rather than a rule.

Given the number of confidential records, there is a reason to believe that official secrets Act is being misinterpreted or misapplied. This may be partly to do with how the system operates. Non – confidential (i.e. open) records travel slowly through the system, confidential records are dealt with more quickly. Moreover, confidential registries tend to be more efficient than the open registries (IRMT, 2000). From the above exposition, it could be argued, and with justification that the culture of secrecy in the public service makes it difficult to access even the most mundane information which should in actual fact be in the public domain and would not in any way pose a threat to national security or defense.

Furthermore, there is little by way of institutionalized mechanisms that require government to facilitate the public's right to be informed. Section III part 5 of the code of Ethics and Conduct for the public service, Tanzania issued by the Civil Service Department (since renamed Public Service Management) in June, 1999 states that with regard to disclosure of information:

(i)   A public servant shall not use any official document or photocopy such as a letter or any other document or information obtained in the course of discharging his/her duties for personal ends;

(ii)   Public servants shall not communicate with the media on issues related to work or official policy without due permission;

(iii)   Official information will be released to the media by officials who have been authorized to do so according to lay down procedures (CSD/URT, 1999).

Although the requirements laid out by the code are reasonable, there is no corresponding obligation for publics' servants to provide information. As a result when citizens or there representatives ask public servants for information, their questions are of ten met with a defensive reluctance to provide answer. It is stressed that this widespread culture of confidentially is an obstacle to change. Approximately two thirds of government records are classified 'confidential'' and there is no standard procedure for declassifying.

2.10 Initiatives to enact Freedom of Information Law in Selected African Countries

Different countries in the world are struggling to pass Freedom of Information law to enable citizens to have access to public records and also records held in private sectors. Through this initiatives several issues arises. Some of those issues from few selected African countries are discussed in the following subsections:

2.10.1 Rwanda

Maina (2011) noted that a revised draft 'Access to Information Bill' is now pending before the Rwandan Cabinet, whose approval is necessary prior to Parliament's action. The new draft legislation recently won praise from the London-based freedom of expression group Article 19.

According to Article 19, which urged the Cabinet to pass the bill, "The bill sets out progressive standards on access to information including a strong public interest test, short time frames for government bodies to respond to requests for information and extensive oversight powers by the Ombudsman,"

The revised bill now includes stronger protection for whistleblowers and requires government bodies to respond to requests for information within 5 working days. "The bill sets a benchmark for other African nations to strive for, Article 19 East Africa Director. Maina (2011) further said that the Cabinet and Parliament should immediately approve this and put it into law. The most recent analysis of the bill by ARTICLE 19 recommended some changes to clarify its application to the private sector, a limit of 20 years for application of exemptions and a firm date for it to go into force. The bill was drafted by the Media High Council.

2.10.2 Nigeria

According to Agande and Shaibu (2011) the Nigerian House of Representatives Feb. 24 2011 passed a Freedom of Information Bill without opposition. But, Senate action is still required. The action by the House, however, was a major step forward after the bill seemed to have stalled in 2010. FOI legislation has been pending in Nigeria for 11 years and had not been debated in the House for four years. President Goodluck Jonathan has indicated his willingness to sign FOI legislation.

The proposed bill would provide Nigerians and non-Nigerians the right to access records kept by public institutions, or by private bodies carrying out public functions, in whatever form an applicant wants, within seven days. Denials could be appealed in court and three year prison penalties are established for deliberate circumvention of the law. Exemptions provided include the right to refuse to disclose any record which may be "injurious to the conduct of international affairs and the defense of the Federal Republic of Nigeria.".

2.10.3 South Africa

The Promotion of Access to Information Act was passed by the Parliament in South Africa in early 2000. A previous Act - the Open Democracy Act - provides for access to information but only that held by the government. The Promotion of Access to Information Act (2000) now includes access to information held by private bodies, something the civil society have welcomed and viewed as a victory and a milestone given the country's apartheid history, an era which was characterised by (among other things) suppression of information (UN-Habitat, 2004).

The Promotion of Access to Information Act (2000) gives effect to the access to information right in the Constitution and the Citizens' Bill of Rights. It lays down procedures for accessing information from government as well as from private bodies, subject to certain limitations. In addition, Section 9 says that the Act must promote transparency, accountability and effective governance of all public and private bodies. The Act overrides any other enactment which has a more restrictive approach to information.

The Act mainly deals with information in terms of "records" (any recorded information). If the information requested can be extracted from a document which the information officer decrees cannot be released, it must be. The Act does not apply to records required for criminal or civil proceedings, the argument being that there are specific procedures already in place in regard to records for trials. The information officer is obliged to assist a request and to transfer that request if he or she cannot accommodate it in that particular department.

The Act does have some restrictions, however. For instance, on information relating to certain records of the South African Revenue Service, or information on matters such as defense, security, international affairs, and the economic and financial welfare of the Republic, the information officer has a degree of discretion. Despite these restrictions, the Act does provide a "public interest" override. The remedies available to an aggrieved party (including a third party who opposes the access granted) include an internal appeal which must be lodged with the relevant authority within a specific period of time.

South Africa's Constitution gives every person the right of access to information, held by a public or private body that is required for the exercise or protection of any right. The Promotion of Access to Information Act of 2000 gives effect to this right; now the South African Human Rights Commission (SAHRC) is helping to make the right a reality by offering citizens a simple, easily understandable guide to the law and how to use it by giving out Access to information guide.

According Wessels (2005) South Africa's Freedom of Information Legislation remains unique in the world, however, being the only such law that permits access to records held by private as well as public bodies.

2.10.4 Kenya

Katuu (2008) noted that Kenya's efforts to enact an FOI law dates back several years but in recent times has been most apparent through the publishing of an FOI bill in 2005 and a subsequent and much improved white paper in April 2007.

In January 2007, the Kenyan Ministry of Information and Communications published a "draft Freedom of Information Policy", designed to "provide a framework for the implementation of the Freedom of Information Bill and review of existing laws, regulations and procedures" The Policy follows a draft Government Bill published in 2005 as well as a draft Freedom of Information Bill developed by the Kenyan Section of the International Commission of Jurists (ICJ) in 2006. The ICJ Bill has since been presented to parliament by Professor Anyang' Nyong'o. (ARTICLE 19 GLOBAL CAMPAIGNS FOR FREE EXPRESSION)

The ICJ (2000) noted that the published bill has very progressive provisions. It promises to usher in an era of openness, transparency and accountability in Kenya. Enactment of the FOI Act will confirm Kenya as a leading democracy in Africa, and among the top five countries to have an FOI Law. Only South Africa, Angola and Uganda have access to information regimes.

Nyokabi (2007) noted that the FOI Bill 2007, when enacted into law, promises to usher Kenya into an era of openness, transparency and accountability. Access to information is the key pillar of democracy. It will facilitate public participation in public affairs, as noted by President Kibaki,'…more importantly, the free flow of news and information is one of the hall marks of a functioning democracy. An informed society is able to better participate in design and execution of public policies. It is also more resourceful and creative in addressing social challenges. Such a society is therefore, better placed to increase productivity and prosperity...my Government is, together with media and other stakeholders, drafting a Freedom of Information Act, to bring the legal framework in line with current realities. These and other initiatives are meant to enhance the ability of the people of Kenya to exchange ideas, question the Government, and contribute to national development'

2.10.5 Uganda

Babalanda (2006) noted that freedom of access to information is a human right and forms one of the defining characteristics of a democratic society and the basis for open government. The United Nations (UN) General Assembly in 1949 passed Resolution 59(1), which stated that freedom of information is a fundamental human right and the touchstone of all freedoms to which the UN is concerned. The International Covenant on Civil and Political Rights which Uganda ratified in 1995 guarantees the right to freedom of expression providing, Everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds,

regardless of frontiers, either orally, in writing or in print...." Article 9 of the African Charter on Human and Peoples' Rights also provides for freedom of expression.

The genesis of Article 41 of the Constitution of Uganda can be traced to the recommendations of the Uganda Constitutional Commission (the Odoki Commission). Reflecting on a constitutional history that entailed the non-respect for human rights and the absence of democratic values, the Odoki Commission pointed out that "the fundamental freedom of expression and the right of every person to information are vitally important rights, at the centre of the struggle for the defense of human rights and democracy".

Ultimately, the Odoki Commission recommended, "the freedom of expression which includes freedom to speech, receive, hold and impart opinions, information and ideas without interference should apply to all individuals, groups and the media". Further, the Commission recommended, "public officials should be free to disclose information they come across in the course of their duties, provided it is not classified".

The Act promotes an efficient, effective, transparent and accountable government, giving effect to Article 41 of the Constitution, protecting whistle blowers, promoting transparency and accountability in all the organs of the State as well as empowering the public to effectively scrutinise and participate in government decisions that affect them. The Act is intended to apply to all information and records of government ministries,

local governments, statutory corporations and bodies, constitutional commissions and other government agencies, unless specifically exempted.

In preparing for the implementation of the Access to Information Act 2005, the government took steps to establish the groundwork necessary to ensure the effective implementation of the access to information law. Those implementing the law need to be trained in how to manage applications/appeals, apply and interpret the law.

If the Act is to meet its objectives then citizens need to be completely aware of their rights. Experience has shown that in the early stages of implementation, it is important for the government to take a pro-active role in promoting the Act.

At the core of the law are record papers, documents, files, notes, materials, videos, tapes, samples, computer printouts, disks, and a range of other things. Without an effective system for creating, managing, storing and archiving records, implementation of the access law will be more difficult.

To ensure that the law is achieving its aims the implementation of the Act should be supported by an effective monitoring and evaluation system. The information collected should be proactively disclosed by the government on its website, at a minimum. It should monthly be collected by each public body and sent to the government department responsible for overall implementation of the Act. In accordance with best practice all the statistics collected should be compiled into an annual report. The Access to

Information Act requires the Minister responsible for Information to submit an annual report in Parliament on the requests to access information and/or place the said report on government websites. The report should be disseminated as widely as possible.

Recognizing that effective implementation is fundamental to the success of any access regime, the Foundation for Human Rights Initiative in partnership with other government departments convened a roundtable discussion between the 18th and 19th September 2006 and unanimously adopted a Kampala Declaration on the implementation of the Access to Information Act which called on the government to take steps to establish the necessary infrastructure and systems which will ensure that the law is effectively operationalized.

2.11 Relationship between Records Management and FOI

Robek, Brown and Stephens (2002), noted that, records that are accumulated and used by governments are reflective of the activities undertaken and the processes that have or are being initiated on behalf of the public. Therefore, management of these records enables government to operate in a transparent fashion and being able to account to the public that brought it to power. Promulgation of FOI by government is an assurance to the public that it is transparent and accountable (Sebina, 2006). The existence of proper management of government records backed by FOI is an assurance that governance is carried out to reflect and protect the will of the public. FOI and records management are guarantees of good governance (Mwakyembe, 2000).

Though there may be little or no empirical studies establishing the relationship between FOI and records management, experience from countries having promulgated FOI prove that records management is core to the realization of tenets of the legislation (FOI) (Sebina, 2006). Research has proved that for good governance to be sustained, good records management programme need to be introduced and practiced. The above exposition suggests that good governance is realized where there is FOI and practicable records management programmes.

Provision for the legal right to access government information does not mean, however, that government opens up its entire information holdings. FOI acknowledge that there is certain government information which are secret and should be exempted from disclosure. This does not suggest though that government classifies all its information as secret and close it. As noted by Lipchak (2002), FOI is premised on the belief that government needs to be open unless there are reasons that compel it to be closed. FOI, Lipchak (2002) continues, encourage government to be open by providing the public with an insight into its operations through opening up access to information.

Records management ensures that access to the records is possible and timely (Sebina, 2006). Records that are well − managed are instrumental to effective good governance and realization of FOI tenets. The author also observed that, FOI promotes access to information held by government. Where records management is non-functional, the guarantee to government information which FOI advances is meaningless.

For FOI to achieve its purposes, the public should have free access to government information (Sebina, 2006). This affords them the opportunity of being informed of what government does for them, why and how it does it. The public can only be informed if they have access to government records. To achieve this, FOI relies on functional records management. The author also pointed out that, records management provides an assurance for FOI that government will create, accumulate, maintain and use records that are complete, accurate and verifiable which is a reflection of what it does on behalf of the public. It further facilitates realization of FOI objectives by ensuring that records needed to inform the public are accessible when needed. Mwakyembe (2000) observed that, transparency and accountability, legitimacy of government, public participation in government, respect for the rule of law, freedom of association and expression can be achieved where records management is functional and FOI has been enacted.

2.12 Records Management and Freedom of Information: Review of Empirical Studies

Various studies have demonstrated the relationship between records management and implementation of Freedom of Information Law (Mnjama, 2003; Mutula, 2006; Sebina, 2006; Shepherd and Ennion, 2007 and Shepherd and Stevenson, 2009).

Mnjama (2003) conducted a study on the partnership between Records Management and Freedom of Information. The study sought to demonstrate that successful implementation of Freedom of Information (FOI) legislation is directly linked to effective and efficient records keeping regimes. In his study, he observed that:

- Where records keeping systems are poor or ineffective, the implementation of FOI will either be problematic or fail to achieve the desired results;

- Factors that contributed to the poor state of recordkeeping in the public sector not only related to problems within the public institutions, but also relate to Records and Archives Institutions failure as the main advisors to the government in the management of public records;

- Any attempt to find a sustainable solution to the problems of managing public service records must involve National Records and Archive Institutions.

Sebina (2006) conducted a study on Freedom of Information and Records Management. A Learning Curve for Botswana. He aimed at discerning Botswana's preparedness for FOI legislation in line with the country's national aspiration, vision 2016; and to unearth relationships that exist between records management and FOI legislation. The study noted that FOI legislation is mostly adopted on the presumption that good records management exists. However, the study established that, it is pertinent that the functionality of records management in the creation, management and making records available for access internally within the government and externally to the citizens be established as the legislation is being passed.

The study also established that, constitutional guarantees on access to information are inadequate measure to enable citizens to gain direct access to official information. The study recommends that, countries which regulate access to information through the guarantees to adopt FOI legislation so as to effectuate them. In the adoption of the legislation, the study recommended that FOI legislation should be built on a good records

management system which will provide an assurance that the governance process is well documented, and its records can be availed for access.

Mutula (2006) conducted a study on Freedom of Information in the SADC Region and its Implications for Development and Human Rights. He observed that Freedom of information has largely taken a back seat amidst several social, economic and political reforms that have been instituted collectively or by individual countries. He established that freedom of information provides an important link for the economic, social and political reform initiatives. He suggests the importance of further research into the importance of freedom of information legislation for economic and human rights development.

Shepherd and Ennion (2007) conducted a study on how has the Implementation of the UK Freedom of Information Act 2000 affected Archives and Records Management services. The study aimed at considering the impact of the first six months of the Freedom of Information Act on archives and records management services in UK public service. The study undertook interviews with four case study organizations: University College London, the Metropolitan Police, Peterborough City Council, and Soham Village College. The study findings showed that the four case study organizations coped well with the requests they received in the first six months of 2005. However, the systems would not have been robust enough had request level been higher; also archives and records management services are a key part of FOI and should take an active role in research to establish best practice.

A study conducted by Shepherd and Stevenson (2009) on the Impact of the UK FOI Act on Digital Records Management in the Public Sector found that there were few tangible examples of the way in which records management had been directly transformed as a result of FOI. There was lack of any actual transformation in practices was particularly evident with regard to digital records. They also found out that records management systems did not appear to be the primary point of consultation in order to locate information rather, when a request was received in most of the institutions interviewed request were sent out to specific individuals. Also, reports of delays in finding information within the Act's 20-day limit were partly a result of knowledge management and work prioritization rather than simply a reflection of poor records management per se.

It was noted that FOI was only one of a series of factors driving records management; it was difficult to pinpoint any one reason for developments in the area of records management. These factors included the changing working structures in local authorities to more flexible working and hot desking and the need to reduce the amount of (hard copy) materials in storage. In particular the UK government's emphasis upon electronic government was seen as a particular impetus for the introduction of electronic document and records management systems (EDRMs), which were often driven from IT to align with the technological advances being pushed by other initiatives and the legislation.

2.13 Summary

This chapter reviewed relevant literature and presented the theoretical framework upon which the study is based namely, Records Continuum Model and its relevance to the study. The key themes which emerged from literature and review of empirical studies were that: there is a closer linkage between freedom of information and records management therefore successful implementation of Freedom of Information (FOI) legislation is directly linked to effective and efficient records keeping regimes; FOI legislation is mostly adopted on the presumption that good records management exists.

CHAPTER THREE: RESEARCH METHODOLOGY

3. 0 Introduction

This chapter discusses the methodology used in conducting research. It presents the research method, study setting, study population and sample size and sampling techniques. Other issues covered are data collection instruments, data collection procedures and data presentation, analysis and interpretation techniques.

3.1 Research Design

Research method is understood as all those methods/techniques that are used for conduction of research (Kothari, 2004). In other words, research methods refer to all those methods which are used by the researcher during the course of studying his/her research problem. The term 'research design' is also used to refer to the pragmatic aspects of the way the research was conducted (Oliver, 2004). Oso and Onen (2008) also defined research design as the overall plan or strategy for conducting the research.

Anderson (1998) assets that there are two main research paradigms which can be used by researchers to carry out their research, namely; qualitative and quantitative research. The author defines qualitative research as a form of inquiry that explores phenomena in their natural settings and uses multi-methods to interpret, understand and bring meaning to them. Qualitative research generates non-numerical data. It is concerned with describing, recording, analyzing and interpreting conditions which exist or were in existence at one time. In the present study, qualitative data in non numerical form was collected from

respondents such as top management, action officers, records officers and registry personnel on the role of records management in fostering the implementation of the proposed freedom of information law.

The case study method is a very popular form of qualitative analysis and involves a careful and complete observation of a social unit, be that unit a person, a family, an institution, a cultural group or even the entire community. It is a method of study in depth rather than breadth (Kothari, 2004). In this study the researcher used the qualitative case study approach. Busha and Harter (1980) observed that case studies enable researchers to obtain comprehensive information about a research problem being investigated and allows a concentrated focus on a single phenomenon and allows a closer examination of unique problems of individual groups or situations.

3.2 Descriptions of the study Area.

The Ministry of Information, Culture and Sports (MoICS) is located at Dar es Salaam City Centre along the busy Samora Avenue and is housed at the famous Holland House. It has for a long time been the Ministry of Information and Broadcasting. It has since been changing hands according to the needs of a particular time. During the third phase of government the ministry was put under the Prime Minister's office. The fourth phase government reinstated its full-fledged status bringing on board the culture and sports sectors.

3.3 Study Population

This study was conducted at the Ministry of Information, Culture and Sports, Tanzania. The target population consisted of the Top management (Directors/HoDs), Action Officers and Records Management Assistants (RMAs). Director and Staff from Records and Archives Management Division were also included.

In the study the Directors/ HoDs from the ministry were interviewed because of their involvement in developing policies and strategic plans and allocation of resources within the ministry; Action Officers make day to day decisions in their ministry while RMAs manage ministerial records. The Director and staff from Records and Archives Management Division were interviewed, as they provide advices concerning records management in the ministry. Table 3.1 indicates the distribution of sample population.

Table 3.1 Distribution of Population Sample Size (n= 55)

Category	Total population	No. interviewed	Percentage
Directors (HoD)	9	9	16
Action Officers	28	13	24
Registry Personnel	39	18	33
RAMD Staff	31	15	27
Total	107	55	100

3.4 Sampling Procedure

Oliver (2004) discussed two types of sampling procedures namely probability sampling and non probability sampling. In probability sampling each member of the research population has a known probability of being included in the sample. Oso and Onen (2008) mentioned other several techniques which are used in probability sampling as follows: stratified sampling, area (cluster) sampling, and systematic sampling.

Non probability sampling is that sampling procedure which does not afford any basis for estimating the probability that each item in the population has a chance of being included in the sample (Kothari, 2004). Non probability sampling is also known by different names such as deliberate sampling, purposive sampling and judgment sampling. Under non-probability sampling the organizers of the inquiry purposively choose the particular units of the universe for constituting a sample. The researcher used non probability sampling technique to target the population.

The researcher used convenient sampling to select respondents from the five departments in MoICS which are Administration, Finance, Information, Culture and Sports. Convenient sampling involves choosing the nearest individual to serve as respondent and continue that process until the required sample size has been obtained. The researcher used list of staff available at every department as a sampling frame to determine the names and grades of staff.

Records Officers and administrators at RAMD were also interviewed as key informants. List of staff at the department provided names, grades and identified those who were involved in various stages of the 1997-2007 Tanzania Records Management Project (TRMP). The researcher interviewed 1 Director, 3 Assistant Directors, any 6 Record Officers and 5 Records Management Assistants. In total 15 RAMD staff were interviewed, equivalent to 48% of the total number of RAMD staff, which is 31.

3.5 Data Collection Instruments

The following discussion presents the data collection instruments used.

3.5.1 Interviews

There are different types of interviews techniques as noted by Oka and Shaw (2000):

- A structured interview- the questions are asked but they remain open-ended
- Semi structured interview- starts with a few specific questions then follows the individuals tangent of thought with interview probes
- Unstructured interview- no specific questions or order of topics to be discussed.

According to Oka and Shaw (2000) most qualitative research relies on unstructured or semi structured interviews. The researcher conducted face to face interview with all groups of respondents with the aid of semi structured interview schedule. The interview schedule acted as a guide during the interview sessions but questions were not necessarily followed in the order they appeared in the schedules because answers to some questions determined the next question. Face to face interview allowed the researcher to gain useful

insight into what was said by the respondents in addition to enabling the researcher control the interviewing process and circumstances under which the interview was conducted.

The interview schedule for all respondents consisted of both open ended and closed ended questions. Interview schedule for top management required them to provide data related to various aspects such as records management policies, strategies for managing records, budget allocation for records management and challenges in managing records. Action officers were required to provide data related to types of records used, state of records management in the ministry, effectiveness of systems and procedures for records management and the extent to which records management cope with FOI requests. RAMD staff provided the researcher with data related to overall records management in the government, legal framework for records management in Tanzania, standards for records management and strategies adopted to manage records in the government and the role they play in assisting the MoICS to manage records to cope with FOI requests.

3.5.2 Observation

Kothari (2004) noted that under the observation method, the information is sought by the way of investigator's own direct observation without asking from the respondent. Therefore this study in addition to interview the researcher used the observation method. The information obtained relates to what is happening and is not complicated by either past behavior or future intention or attitude of the respondents. In this study observation

was conducted using observation schedule (see Appendix v) which aimed to collect data related to records creation, classification of records, maintenance of records, storage of records and security of records.

Observation method has been found necessary for this study because it helped the researcher to collect data on issues that might be uncomfortable to informants to be discussed and also helped to notice unusual aspects. Observation was also used to clarify inconsistencies that arose between what respondents say and what they do or what actually happening at MoICS. In addition, it allowed the researcher to obtain data describing physical environment of the task. For observation schedule, see appendix v.

3.6 Data Collection Procedures

The researcher obtained an introduction letter from the Dean, School of Information Sciences, Moi University. Later in August 2009 she sought a research permit from the commission of science and technology (COSTEC). The researcher contacted the Director for Administration and Human Resources Management (DAHRM) at the MoICS on August 2009 who gave permission to go on with the research and she started to collect data in September, 2009 and the ended in November, 2009.

3.6.1 Challenges Faced During Data Collection

The researcher faced some challenges while collecting data. These were bureaucratic red-tapism, officials hiding behind smokescreen in order not to give information and predilection to say the truth. These problems were aggravated by unmotivated and rather

hostile staff and poor record – keeping especially given the fact that the researcher was in many time be dealing with people and areas which were concerned with the storage of records. These problems were not insurmountable, though. The researcher strove to use her human and public relations skills to convince the respondents the importance of their views and the voluntary nature for participation. The researcher also guaranteed the respondents of their confidentiality and anonymity. All in all, their right of whether to participate or not remained surprisingly intact.

3.7 Data Validity and Reliability

Validity is the extent to which research results can accurately be interpreted and generalized to other populations. It is the extent to which research instruments measure what they are intended to measure (Oso and Onen, 2008).

Pilot test was conducted to test the reliability and validity of the research instruments and ensure that any mistakes contained thereof were corrected before actual data collection process began. The instruments therefore were pilot tested at the Ministry of Energy and Minerals (MoEM) and it involved two top managements, three action officers and four registry personnel. The instruments were pre tested from 7th July to 20th July 2009.

Apart from conducting pilot test, the instruments were also given to two experts from research section at the university of Dar es salaam to evaluate the relevance of each item on the instruments to the objectives. The experts rated each item on the scale: very relevant (4), quiet relevant (3), somewhat relevant (2) and not relevant (1). Therefore,

suggestions from the respondents and experts were used to shape the final instruments that were used in the research.

Triangulation of research instruments was used to ensure validity and reliability of the research instruments used in this research. Silverman (1993) explains triangulation as a method of evaluating empirical data in the social sciences. Thus the research adopted a triangulation method by utilizing interview and observation techniques. By doing so the research gained benefits from the application of more than one perspective. By combining interview and observation in this study, the researcher was able to overcome the deficiencies that flow from employing one method.

3.8 Data Presentation, Analysis and Interpretation Techniques

The data collected were qualitative that is information gathered in a non numeric form (Atkinson et al, 1996). Qualitative Data Analysis (QDA) was employed. Atkinson et al (1996) noted that, Qualitative Data Analysis (QDA) is the range of processes and procedures whereby we move from the qualitative data that have been collected into some form of explanation, understanding or interpretation of the people and situations we are investigating.

In this study the researcher analyzed data using both descriptive and interpretive data analysis technique. By using these techniques frequencies and percentages were calculated, relationships were compared and interpretations were made as objectively as possible in order to get the accurate meaning or true picture of the situation studied.

Frequency distribution tables and figures were used where necessary. Respondents' views quoted verbatim.

3.9 Ethical Considerations

Despite the high value of knowledge which is gained through research, knowledge cannot be pursued at the expense of human dignity (Oso and Onen, 2008). Thus, the issues of ethics are very important in any research undertaking. The major ethical issues considered in this study were privacy and confidentiality, anonymity, and researcher's responsibility.

Privacy and confidentiality of the respondents was highly considered during the study. Obtaining a valid sample entailed gaining access to specific lists and files which in itself is an infringement on the privacy and confidentiality of the respondents. However the respondents had the freedom to ignore items that they did not wish to respond to.

Another ethical issue for this research was the right of participants to remain anonymous. The researcher kept it secret the identity of the participants and efforts were made so that no subject generally knew the identity of other subjects. There was also the issue of obtaining informed consent from the participants to the study and that all participants did so voluntarily. For the sake of convincing and getting the informed consent, the researcher furnished the participants with the information regarding the purpose of the study, the expected duration of participation and the procedures to be followed, any benefits to the participants and the extent of privacy and confidentiality.

With reference to the sensitive issue of human dignity, the researcher did her best to be well meaning in her intentions and deeds. The researcher was open and honest in dealing with the participants. This was done in order not to breach the principles of informed consent and voluntary participation.

3.10 Summary

This chapter has presented the research methodology adopted. The issues covered are study populations and sample size, data collection instruments, data collection procedures and data presentation, analysis and interpretation methods and ethical considerations. Interview and observation techniques were adopted. This generated data which was valid and reliable. QDA technique was employed to present and analyze data.

CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 Introduction

In this chapter, the research findings of the study are presented, analyzed and interpreted. The findings of the study address the research objectives namely:

- How management of records in their continuum will cope with the proposed freedom of information requests.

- Infrastructural capacity for records management and how it will foster the implementation of the proposed freedom of information law.

- The implication of the proposed freedom of information law on records management practices.

- Role of Tanzania Records and Archives Management Division in assisting the Ministry to comply with the proposed freedom of information requests.

- Challenges the ministry faces in meeting requirements of the proposed freedom of information law.

- Respondents' recommendations to address the gaps identified by the study and assist the implementation of freedom of information law in the ministry.

4.1 Characteristics of Respondents and Response rates

A total of 55 targeted respondents were interviewed representing 100% interview response rate. The researcher managed to interview all the respondents targeted because of extra efforts made by visiting the ministry frequently and making appointments. The researcher also did her best to be well meaning in her intentions and deeds and this made

the respondents willing to participate in interviews. Respondents were divided into Top Management, Action Officers and Registry Personnel from the Ministry and Records Management Staff from RAMD. Respondents were asked questions relating to the name of departments they were working, gender and educational background. This information is captured in the following subsections.

4.1.1 Distribution of Respondents by Departments

Respondents were from six departments, five departments from MoICS namely administration, finance, information, culture and sports, and one department from PO-PSM. Interviewees consisted of Top Management Staff (i.e. Directors), middle (action officers) and lower cadres (registry personnel). The population size of respondents was deliberately divided into senior, middle and lower cadres so as to get the views and opinions of both groups. This is important so given the fact that senior officers preside over polices, standards and regulations while that of middle and lower cadres implement them. Table 4.1 shows the distribution of respondents by departments.

Table 4.1 Distribution of Respondents by Departments (n=55)

Category	Departments						
	Admin.	Finance	Information	Culture	Sports	RAMD	%
Directors	2	1	2	1	2	1	16.4
Action officers	5	2	4	1	1	-	23.6
Registry personnel	6	2	4	3	3	-	32.7
RAMD staff	-	-	-	-	-	15	25.4
Total	**14**	**5**	**9**	**5**	**6**	**16**	**100**

4.1.2 Distribution of Respondents by Gender

Table 4.2 shows distribution of respondents by gender. Out of 55 respondents, 34 (62%) were female and 21 (38%) were male. Senior cadres i.e. directors and action officers comprised high number of male than female while lower cadre i.e. Registry personnel comprised high number of female than male.

Table 4.2: Distribution of Respondents by Gender (n=55)

Category	No. involved	Male	%	Female	%	Total
Directors (HoD)	9	6	66.5	3	33.5	**9**
Action Officers	13	8	61.5	5	38.5	**13**
Registry personnel	18	2	11	16	89	**18**
RAMD Staff	15	5	33.4	10	66.6	**15**
Total	**55**	**21**	**38**	**34**	**62**	**55**

Source: Field Data, 2009

4.1.3 Educational Backgrounds of Respondents.

Figure 4.1 shows education background of respondents

Figure 4.1: Education Background of respondents
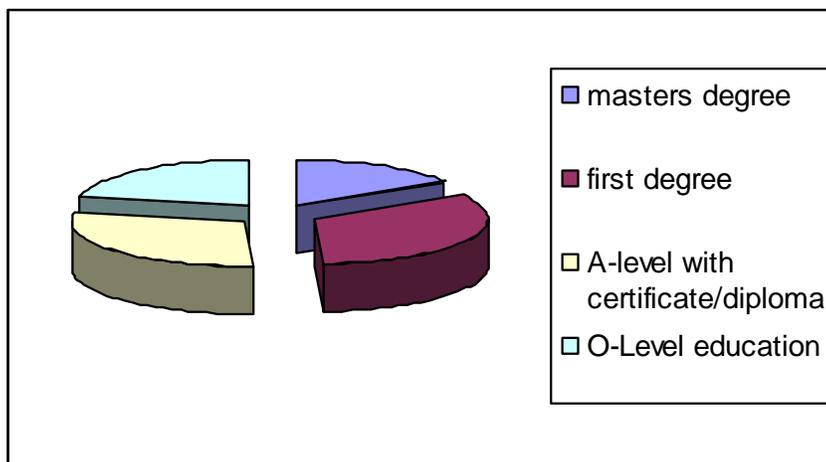
Figure 4.1 shows that all directors i.e nine (16.4%) have attained masters degree, 18 (32.7%) which involves 13 action officers from MoICS and five RAMD staff have attained first degree, 16 (29.1%) which involves 10 registry personnel from MoICS and five RAMD staff have A-level education with either certificate or diploma in RM and 12 (21.8%) which involves eight Registry personnel from MoICS and four RAMD staff have o-level education. This conforms to the government regulation that all public service employees should have education qualification of not below form four.

4.2   How Management of Records in their Continuum will cope with the proposed Freedom of Information Requests

The first objective of the study was to find out how records RM practices at the MoICS cope with FOI requests. This objective was meant to help the researcher to understand records management at MoICS. The information gathered meant to help the researcher

gain insight into the records management activities conducted in the ministry and whether can cope with the proposed FOI law.

4.2.1 Data from Top Management (Directors)

All director respondents grounded their responses to the fact that FOI law was enacted in order to enable every citizen to know government decisions which have a direct impact to him/her. Thus relationship between records management and freedom of information could not be doubted, and that, to the extent that information is a record, it must be properly maintained to ensure access. All nine directors (100%) underscored that positive role of records management in fostering freedom of information legislation arguing that without proper records management FOI law could not be implemented as records will not be accessed. They added that if FOI law will be enacted to allow free access to government information, its implementation must be pegged to good records management. In a nutshell, systematic records management allows easy access of information by citizens.

4.2.2 Data from Action Officers

However, when the same sets of questions were put to Action Officers it received mixed responses. Nine (69%) out of 13 said that to the extents that most of records are not well maintained, it has been causing problems to their retrieval. Thus, they argued that this squared negatively with the whole meaning of freedom of information which means citizens access to government information. As a result, even if the proposed bill will be enacted it will be poorly implemented because records in most government offices are not well managed. They stressed the fact that proper records management will facilitate

proper implementation of FOI law. The remaining four (21%) respondents answered positively.

4.2.3 Data from RAMD Staff

All respondents 15 (100%) from the RAMD staff were of the views that FOI Law implementation depends on records management. They said that proper records management facilitates easy retrieval of requested information. The crux of the matter is proper records management enable any government office to effectively deal with customers' requests to information.

4.2.4   Data from Registry Personnel

Out of 18 registry respondents 12 (67%) said they did not know how records are created in the first place. The remaining 6 (33%) said it was through the advice from Office Supervisors (OS) and Directors of Administration and Personnel (DAP). Those who responded affirmatively as to the creation of records said that the information they capture on paper file cover were title, file number, opening date, reference number, connected files and index hidings.

 Respondents said they did not know how to classify files. However they underscored the importance of appropriately closing files for easy retrieval and proper management. Files are closed when they are full, the end of project and at the event of retirement, death or end of contract. Table 4.3 shows the extent to which records management practices in the MoICS cope with FOI requests.

Table 4.3: Records Management Practices at MoICS in Relations to FOI Requests (n=55)

Remarks from Respondents	Top management N=9		Action Officers N=13		RAMD Staff N=15		Reg. personnel N=18	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
FOI enable citizens to get information held by public offices concerning the decisions and actions taken.	9	100	13	100	15	100	-	-
There is a relationship between RM and FOI	9	100	13	100	15	100		
Records are not properly managed to cope with FOI requests	-	-	9	69	-	-	-	-
For FOI to succeed records must be properly managed	9	100	13	100	15	100	-	-
RM has a great role in fostering the implementation of the proposed FOI law	9	100	-	-	15	100	-	-
Files are not accessed in a reasonable time	-	-	9	69.2	-	-	-	-
Records are created by OS or DAPs	-	-	-	-	-	-	6	33
Did not know how to create records	-	-	-	-	-	-	12	67
Information captured on the paper files are file title, file number, opening date, file reference number, and connected files numbers.	-	-	-	-	-	-	6	33

Source: Field Data, 2009

4.2.5 Observation data

It was observed that most records were created through correspondence which reach registries through the mail, by hand or by fax and records created within the ministry. These correspondences are differently addressed: some were addressed to the ministry or department, some to individuals either by name of by title of office. Correspondences were observed to bear different marks such as confidential or personal. Among the correspondences some bore cheques, reports or other valuable items which normally need to be carefully recorded and accounted for in the registry. Certificates, deeds and other legal documents which require special care also formed part of the records created/ received. Apart from the ordinary incoming mail, the study also observed mail containing valuables, faxes and electronic mail.

An observation on faxes and electronic mail was particularly important given the fact that in future more communications will be received by electronic mail on computers used by action officers. The use of computers is becoming more wide spread and as more computers are networked or linked to the internet, so e-mail communications will become more common. E-mail which is sent or received on a government computer is an official public record just like paper correspondence and must be managed as such. It was further observed that correspondences, memoranda, policy documents, meeting papers, internal reports and other documents generated and received by desk officers in the course of their normal public service duties were still placed on the traditional registry file.

On classification of records it was observed that the ministry uses an alpha-numeric system with MDA identifiers plus serial number. The common practice noticed was to create file reference numbers by an abbreviation of the MDA followed by PF to represent personnel file and a serial number. Variations of this could be to include "C" in the reference to indicate a confidential file, or to include the first letter of the employee's surname as an element. If a requirement was that the open and confidential file should bear the same serial number, this would also result in gaps in the numbering system as not all employees have confidential files. Furthermore, files for the same employee held by different MDAs would have different file references.

The maintenance of records was also observed. It must be said from the very outset that registries are for the most part concerned with files which are in active use. However, files usually go through a number of phases between their creation and their eventual destruction or their transfer to the Records Center or Archives Section of RAMD. The life cycle approach to records management is based on the idea that each file may be regarded as having a life beginning with its creation and ending with its destruction. The relatively small number of files that are permanently retained in RAMD may be regarded as having achieved a kind of immortality. Proper maintenance of records is therefore necessary.

It was observed that the ministry maintained both current and semi records in its registries. Few semi-current records were transferred to RAMD. Records and Archives Management Act, 2002 require heads of public offices to create and manage current

records within appropriate filing systems, to implement retention and disposal schedules, and to transfer semi current records into the custody of RAMD but this is rarely implemented by the ministry.

Finally, observation was made on the storage of records. Proper storing of records will not only add value to the records collections but will also allow the registries to serve better those who request access to the records. The most important issues to consider in storing records are quality of the storage environment and location. Other issues relate to the use of offside storage space (back up), storage and handling supplies, use of records retrieval and access to restricted records. Lack of space was observed in registries including limited capacity in terms of shelving and accessing information. Huge volumes of paper overwhelmed the registries. Registries were poorly organized and maintained and a considerable quantity of extraneous material including waste paper and other rubbish was present. It is apparent that the planned national records centre would alleviate space problems

4.2.6 Interpretation of Data

From the study, it is clear that records management systems do not appear to be the primary point of consultation in order to locate information. Rather, when a request is received in the earmarked institutions, requests are sent to specific individuals. Reports of delays in finding information are partly a result of knowledge management and a work prioritization rather than simply a reflection of poor records management practices per se. As Benyon- Davies (2003) has reported, FOI was only one of a series of factors driving

records management, and interviewees often had difficulty in pinpointing any one reason for development in the area. Responses obtained in this part have thrown some light on the complex FOI- records management relationship which has always been taken for granted. It is clear that although the questions might seem to be about compliance with legislation, social and organizational relationships are as likely to influence the outcome of an FOI requests as formal systems and standards of compliance.

4.2 The Infrastructural Capacity for Records Management and how it will foster the Implementation of the Proposed FOI law

The second objective of the study sought to determine the role RM play in fostering the implementation of the proposed FOI law.

4.3.1 Data from Top Management (Directors)

With regards to infrastructural capacity for records management in the MOICS, respondents were asked if there is a policy for managing records during their continuum of which nine (100%) responded negatively. They underlined the fact that Records Management Assistants (RMAs) were not well trained and competent in managing records in both formats. They pointed out that a budget has been allocated during this financial year (2008/2009) for RMAs' training programme. Although records management budget has been allocated during the past two years there has been very minimal positive impact shown by RMAs after attaining the training. This coupled with the old equipments which have made the facilitation of proper records maintenance rather difficult. One of the directors from the MoICS said that,

"We usually allocate budget for training the RMAs, for example this year a budget was allocated to train two RMAs in the level of diploma…but there's something we are not happy on…after these RMAs attend training we expect them to deliver more efficiently but our expectations in most of them collapse because they don't show any advancement in records management…"

4.3.2 Data from Action Officers

When Action Officers were asked if they had training programme for records management personnel all of them, that is 13 (100%) said yes. They said that one or two of RMAs attend training programme each year. They attend these training programmes mostly at the certificate level and few of them did this at diploma level.

Action Officers admitted that there was of yet no ministry – wide strategy for managing both paper and electronic records. Similarly, there were no ministry wide standards and guidelines for the design, management and implementation of paper and electronic records. To the extent that RMAs in the ministry were not well trained and competent in managing records in both formats, the pervasiveness of poorly managed records has been a rule rather than the exception. When required to suggest better ways of addressing this problems to enable the implementation of FOI law respondents called for increased budget allocation to train RMAs but also the ministry should employ well trained RMAs in the future. They argued that though the Ministry usually allocate budget for records management, this has always been insufficient to meet the increased demand for well trained and competent RMAs. They observed that this coupled with insufficient

equipments for properly managing records during their continuum which have plugged records management practices in the doldrums.

4.3.3 Data from RAMD Staff

The study then turned to RAMD staff who were firstly asked about the current records management standards and procedures used to guide MDAs for managing records. All respondents i.e. 15 (100%) mentioned Registry Procedure Manual, Retention and Disposal Schedule and the 2002 Records and Archives Management Act. Respondents were however divided when asked if these standards and procedure were adopted and implemented by the MoICS. While the majority 13 (86.6%) of them said they were not effectively adopted and implemented, the few of them two (13.3%) said they were not completely adopted and implemented. But this later response from the few RAMD staff was doubtful and begged an immediate question as to how the MoICS conduct its business in the realm of records management with neither standards nor procedures. A further insight was sought from RAMD staff to establish if they had any strategy for records management in the MDAs to ensure the implementation of FOI law. To this question all of them 15 (100%) said that they usually assisted them to install new classification system, training RAMs and scanning the documents. The strategy, they said, was encapsulated within the broader concept of capacity building for records management.

In the event that records management personnel were provided with training opportunities, this has been at the level of certificate and diploma. These levels, while squaring positively with records management practices are still demanding given the current surge towards information and communication technology (ICT). Respondents at RAMD were of the view that the training they get are too theoretical and suggested training which will enable RMAs to get new skills and knowledge concerning records management. In general, it was found that there was no infrastructural capacity for RM which may be used as a point of departure towards supporting compliance and implementation of FOI law in the MoICS. One records officer said that,

> *"...yes, the RMAs do attend training, but the training is too theoretical and it usually base on the management of paper records. But as you can see the world now is changing very fast in terms of technological advancements..."*

> *"Most of offices are creating a lot of documents through electronic ways, and some of these documents have very important information concerning the decisions and activities done by the government officials; who is going to manage this information then?"*

4.2.4 Data from Registry Personnel

Respondents in the registry personnel category were asked if they did get training in records management. All of them 18(100%) answered in affirmative but dismissed the training as too theoretical. They agreed that the ministry did have training programme and plans for the sake of capacity building in the area of records management. Respondents were hopeful that training would improve their skills and knowledge of

record management particularly during this age of unprecedented advances in information and communication technologies (ICT).

Respondents decried insufficient budget allocated for records management and argued that this might hamper the implementation of FOI law. All registry personnel respondents, 18 (100%) took to task both the top management and RAMD. Top management allegedly showed indifference towards them and did not render meaningful support to enable them execute their duties. RAMD on its part was said to have failed to render regular support and provide professional assistance to the registry personnel. One respondent bitterly lamented that

> *"Our functions were hamstrung by little support we receive from top management and irregular professional advice and guidance we got from the RAMD"*

Another respondent said,

> *"You know what! I'm doing this job because I'm now aged, therefore I don't have any other alternative, and I'm just waiting to retire…"*
>
> *…I don't and I will never advice my child or anybody I know to take this profession…we are doing activities which are the heart of the ministry, without it nothing will go on but no body cares…all others especially the top managers and officers discriminate and disvalue us…*

Still probing for infrastructural capacity for records management, registry personnel were subjected to various questions on issues directly related to the real operation of the registries. These ranged from records creation through maintenance and use, disposal to storage and disposition. They mostly concerned with day to day procedural running and operations of the registries.

In the area of records creation they were asked how they create their records. 13 (72.2%) out of 18 said they did so through letters and specific activities while three (16.6%) said it was through advice from Office Supervisor and Director for Administration and Personnel. Yet two (11%) said they don't know. Information captured on a paper file cover were listed as title, file number, connected file number, opening date, index and reference number using key word list. All of them 18 (100%) said that personal and subject files were classified using keyword classification system. This classification system is said to facilitate easy retrieval of files. Through this classification system files are grouped according to specific activities, thus when a file is requested it is easy to go straight to the specific activity. The study wanted to know the importance of closing files appropriately and when should files be closed. 18 (100%) respondents said that files are closed so as to avoid overloading the files, to arrange the files properly, to facilitate retrieval and to ensure proper management. The files are closed when they are full (more than 3 cms), at the end of a project, when contract ends and when retired or dead.

With regard to maintenance and use, 18 (100%) respondents agreed to have records control tools which they mentioned as file movement, file transit sheet, incoming mail, outgoing mail and a daily making book. 13 (72.2%) said, it takes not more then ½ an hour to find a requested file, but 5 (27.7%) said, it depends on whether the file is in registry or in office. When asked who is responsible for current, semi-current and non current records all of them, 18 (100%) said that while RAMD is responsible for non current records, the ministry, through its registry unit is responsible for current and semi current records.

With reference to disposal, 18 (100%) said, the ministry did not have records retention and disposal schedule. As such the criteria used to retain, close and dispose of files are when the file is full, when it is not frequently in use, when the project is ended, and then they record such files in a form and boxing. On the question of storage and disposition 14 (77.7%) said, the ministry's records are kept in wood shelves and no centre exists for semi current records. Therefore semi current records are kept in same room with current records but they are kept in boxes. Non-current records are usually transferred to the National Achieves and the regularity of sending them depends on many intervening factors but normally once in two or three years. The procedure used was to inform the RAMD staff who come to collect them.

All the respondents, 18 (100%) said that security of records kept is ensured through locking of doors and sending the keys to DAP and by adhering to "strictly no entrance for none authorized people''. It was learnt from the respondents that security of records is an

important issue in the management of records because information is power and also there is a need to maintain government information and secrets properly. On the other hand 18 (100%) respondents said, authenticity and integrity of records are protected through ensuring that records control tools are well used and making sure all information is well managed. Finally, documents are made accessible for use and are protected from loss or damage by using records control tools properly.

Apart from poor infrastructural capacity for records management, registry staff also attributed low morale as a reason behind poor records management. Registry personnel mentioned various factors which contributed to low morale. The most cited factors were registries are neglected units in the ministries, registry personnel are ignored in the ministries and few opportunities for training. The mentioned factors are presented in the Table 4.4

Table 4.4 Factors Contributing to Low Morale among Registry Personnel (n=18)

Factor	Frequency	Percentage
Registries are neglected units in the ministries	18	100
Records management is not given its due importance	18	100
Registry personnel are ignored in the ministries	18	100
Recruitment of registry staff not based on merit	10	55.5
Registries are viewed as dumping grounds for problematic staff	17	94.4
Few opportunities for training	18	100
Poor scheme of service	8	44.4
Heath and safety of registry staff not valued	9	50

Source: Field Data, 2009

4.3.5 Interpretation of Data

All the afore-mentioned factors may explain why the current state of recordkeeping in the Tanzanian Public Service is far from satisfactory, a state of affairs noted by Griffin and Mazikana (2008). They observed that the state of records management in many public service delivery organizations was appalling because of among other things, low morale of registry personnel.

Inadequate infrastructural capacity and poor records management would impact negatively on the FOI law. It is worth emphasizing that from the very outset, compliance with freedom of information was linked closely to good records management. Yet, as noted by Griffin and Mazikana (2008) little or no coherent records management provision exists within may public authorities and that records management is widely undervalued in a range of public service. Such inadequacies had been especially noticeable in the area of electronic records management, in which many MDAs had yet to make any significant progress. While improvements in records management have a positive effect on FOI compliance, yet the authorities have tended to concentrate more on how they would effect that compliance rather than the records management that underpins compliance.

Conversely, FOI had been shown to have a positive impact on records management, including better filing and naming of electronic records, streamlining of information procedure and improved records management systems. Yet records management issues such as based recordkeeping, difficulties in locating data and determining whether it was held have been reported as among the main barriers to compliance with the FOI (Shepherd and Stevenson, 2008). This proves that FOI Law, records management and infrastructural capacity for records management are closely related and mutually reinforcing.

These findings collaborate those of Wamukoya (1988) who noted the non-existence of concrete departmental policies regarding the manner in which registries are run, delegation of records management duties to junior officers who are not trained in records

management, and a distinct lack of enthusiasm in records management by senior officers whose portfolio include the management of registries. These findings which indicated that registries were neglected departments in government also concur with Millar's (2004) observation that there was a general lack of recognition of the importance of records as evidence. She further made the point that senior officials often tend to fail to recognize the need for, or value of, effective records management programmes.

The need for senior management to support records management activities has been aptly emphasized by Makhura and Du Toit (2005). Drawing their experiences from records management and information user behavior study at South Africa National Parks, they observed that senior management needed to support the concept of a well run records management programmes and vigorously enforce a record management culture, thereby, ensuring that all employees were familiar with agreed procedures for all types of records.

4.4 Implication of the proposed Freedom of Information (FOI) Law on Records Management Practices

The third objective was intended to get diverse views from each group of respondents on the impact of the proposed freedom of information law on records management practices.

4.4.1 Data from Top Management (Directors)

Six (66.5%) out of the nine respondents affirmed that FOI law will have a positive effect
to the records management practices in so far as it will force the government to ensure
proper management of records. The remaining three (33.5%) noted that will have a
negative impact given that most of the records are not well classified and maintained.
They opined that before the implantation of FOI Law there must be concerted efforts to
ensure proper management of records. They painted a bleak picture as to the effect of
FOI law enactment on records management practices due to the fact that most of
government records are not well managed.

4.4.2 Data from Action Officers

Eight (61.5) out of 13 were of the view that the adoption of FOI law will act as a potential
catalyst towards improved records management practices. Two (15%) respondent who
answered negatively envisioned the uphill task that will face government offices in
meeting the requirements of the law bringing not only many government operations to
almost a halt but also turning the records management practices upside down. For them,
improved records management is a prerequisite towards effective implementation of the
law. The remaining respondents i.e. three (23.5%) doubted the wisdom of the intention to
adopt FOI law at this particular time when records management practices are in chaotic
situation. They also doubted the efficacy of the law on records management practices
arguing that the government and private information stakeholders have still been rocking

horns on the proper wording to the Act. Taking all these into consideration they concluded that FOI law will have no effect on records management practices.

4.4.3 Data from RAMD Staff

The study went on to interview the RAMD staff who are the ones concerned with records related issues. Among 15 respondents, four (26.6) said FOI law will have positive impact on records management practice since it will reinvigorate the role of RAMD and situate it in its proper context. Another four (26.6) replied in negative citing poor records management in most offices as a stumbling block. They added that the legislation will not be successful unless extra efforts are mounted to ensure proper records management. The majority, seven (46.6) gave a no effect response arguing that the bill/ legislation has been tabled prematurely. They pointed out that RAMD was not involved in the formulation of the bill and it is only at the eleventh hours when the director was invited to comment on the Bill and give out his views about the state of records management in the government. They contended that, in such a situation, where the institution which is the main repository of records is marginalized, it is quiet not possible for FOI law to have any effect whatsoever, on records management practices. Table 4.5 presents the views of respondents across different groups.

Table 4.5 Implication of FOI Law on Records Management Practices (n=37)

category	Positive effect	Freq.	%	Negative effect	Freq.	%	No effect	Freq.
Directors (HoD)	6	6	66.7	3	3	33.3	-	-
Action Officers	8	8	61.5	2	2	15.4	3	3
RAMD Staff	4	4	26.6	4	4	26.6	7	7
Total	18	18	48.6	9	9	24.3	10	10

Source: Field Data, 2009

Table 4.5 above shows that most respondents, 18 (48.6 %) were hopeful that the adoption of FOI law would have a positive effect on record management practices. Yet a significant majority 10 (27 %) dismissed FOI law as a premature exercise and will have no effect whatsoever on records management practices. Negative effect of FOI law adoption was reported by nine (24.3 %) respondents, a no small number given the population involved. In general, when you add up those who saw the negative effect of FOI law nine (24.3 %) and those who said they foresee no effect at all of FOI law adoption on records management practices, 10(27%) the cumulative total outweigh those who envisaged positive effect 18 (48.6 %) of he FOI law adoption. This suggests that

much more still need to be done to ensure that FOI law adoption work for the good of records management practices.

4.4.4 Interpretation of Data

These findings are however not unique to the study area of Tanzania as a whole. Burt and Taylor (2007) have reported that while FOI is perceived to contribute to change it is not a catalyst for change per se. They noted that FOI is more seen as an administrative task, rather than a mechanism through which to generate strategic organizational change. They added however, that FOI was one factor among many which are generating a growing awareness of the importance of information as a corporate resource as it thereby lends new importance to the development of formal records and information management policies, systems, processes and procedures within the government. In particular, the FOI law has led to a surge in interest in the maintenance of electronic and paper records and public authorities had shown a marked increase in interest in records management as a general business issues (ibid). And yet, the study found little evidence of real strategic change in the way that information was managed within authorities, save for observation of a partial and patchy administrative shift and, perhaps, small changes in the ways in which people recorded information (Burt and Taylor, 2007). And as this study has shown, whilst most interviewees agreed that FOI law would give records management a higher profile and an increased awareness of it as an important organizational resource in public service delivery, there are at present few tangible examples from elsewhere of the way in which records management had been directly transformed as a result of FOI law.

Sebina (2006) has further incorporated the concept of good governance to the broad spectrum of FOI law as it impact upon records management practices. He argues that records management is crucial to good governance as it sees to the creation of records that are authentic and trustworthy to support government activities. He draws the relationships to the effect that good governance is based on transparency and accountability both of which are advocated for by FOI law. Yet good governance is only realizable where records management is functional. Records that are well managed are instrumental to effective good governance and realization of FOI law tenets. FOI promotes access to information held by government. In turn, access to the information by the public is important to good governance in that the public become informed of how governance is practiced on their behalf and can use the knowledge gained to effectively participate in governance. Provision of access to information as guaranteed by FOI also enables the public to use it to hold government accountable. But if records management is non functional, the guarantee to government information which FOI advances is meaningless. Similarly, where records management is at faulty, the guarantee of transparency and accountability which are crucial to good governance will not be met. In short the constitutional guarantees of access to information are not enough and much need to be done as the success of both FOI and records management practices depend on each other.

**4.5   The Role of Tanzania's Records and Archives Management Division
         (RAMD) in Assisting the Ministry to Comply With the proposed Freedom of
         Information (FOI) Requests**

The fourth objective sought to find out the role played by RAMD in assisting the MoICS
to comply with FOI requests. This objective was directed to the directors and RAMD
staff. The specific factors investigated were:

- The kind of advice the MoICS seek from RAMD

- Records management advices RAMD provide to MoICS

- How frequently RAMD visit the MoICS

- Whether the MoICS implement advices provided by RAMD

- Challenges RAMD face when providing records management advices to MoICS.

4.5.1 Data from Top Management (Directors)

When asked if they usually seek advice concerning records management form RAMD all
nine (100%) responded a 'yes' response. The advice they sought relate to how to classify
and manage both current and semi-current records, how to transfer non − current records
to RAMD, and on proper training program for the ministry's RMAs. When asked the role
that RAMD will play in assisting the ministry to comply with FOI requests. The
responses are as indicated in Table 4.6.

Table 4.6: Nature of Roles that RAMD can Play in Assisting the MoICS to Comply with Requests (N=9)

Role	Frequency	Percentage
Provision of advice on records management	9	100
Training of the ministry's RMAs	9	100
Assistance on proper classifications of records	7	78
Provision of storage facilities for semi and non-current records	5	56

Source: Field Data, 2009

As indicated in table 4.6, provision of advice on records management and training of the ministry's RMAs were most acted. Typically, responses regarding these issues is as follows:

> *".......yes, we do expect the RAMD to play a pioneering role in advising us as to the proper management of records. In fact, most of our records are poorly managed which would make it difficult for us to comply with FOI requests......"*

> *''..............frankly, we will appreciate very much assistance aimed at training our RMAs. Most of them have got basic certificate or attended short courses in records management. Improvements in records management practices and compliance with FOI requests depend on their further training on records management especially during this reigning age of information and communication technology (ICT)''.*

4.5.2 Data from RAMD Staff

RAMD staff were first (asked) interviewed as to how they assist the MoICS to manage

records properly in order to enable the implementation of freedom of information law.

All 15(100%) respondents mentioned providing advice on how to manage records,

transfer the non-current records to RAMD, installation of new classification system and

training of RMAs. Following this, the study went on to ask the respondents on the kind of

records management advice that RAMD provide to the MoICS to ensure smooth

implementation of FOI law. Although the statistics provided might not readily be

generalized for the whole division they nevertheless mirrored out the broader picture of

the divisions functioning with regard to its advisory role. The 15 RAMD respondents

provided answers which are statistically presented in Table 4.7.

Table 4.7 Records Management Advice Provided by RAMD to the MoICS (n=15)

Advice	Frequency	Percentage
Records classification	15	100
File indexing	15	100
Training of registry personnel	15	100
Records surveys and appraisal	12	80
Records disposal	10	67
Developing records management policy	8	53
Allocating budget for management of records	5	33

Source: Field Data, 2009

Table 4.7 illustrates that RAMD provides advice to the Ministry in many areas. However the most cited advices were those concerning with records classification, file indexes and training of registry staff. These registered a score of 15(100%). They were closely followed by records surveys and appraisal with 12 (80 %) score and records disposal which scored 10 (67 %). Other advices mentioned were developing records management policy which registered 8 (53 %) score and allocating budget for managing records with 5 (33.3%) score.

As table 4.7 shows the emphasis on the triple areas of record classification, file indexes and training of registry staff is a reflection of the current state of records management in public service which has been reported to be poor and overly disorganized. This is especially so in recordkeeping practices which embrace both classification and file indexes but which also needs competent and properly trained and qualified personnel. Still, certain trends and patterns can further be observed from table 4.7. These relate to RAMD advices on records surveys and appraisal and records disposal.

RAMD respondents were also asked about the frequency with which they visit the ministry to monitor and evaluate the records management practices. Nine (60 %) cited "almost every month" while the rest, six (40%) said "not frequently". They expounded that the visits take place when advice is sought from them. When asked if the ministry implement the record management advice they provided to them all of them 15 (100%) reported a "no" response. Finally in this category, respondents were asked about the

challenges they face in providing records management advice to the ministry. Table 4.8 summarizes respondents' views.

Table 4.8 Challenges Faced by RAMD Staff when Providing Records Management Advice to the MoICS (n= 15)

Challenge mentioned	Frequency	Percentage
Lack of adequate information technology training	15	100
Inability to determine the amount of electronic records created	13	87
In adequate financial resources	12	80
Inadequate staff	12	80
Neglect of records management personnel by top management	10	67
Inadequacy of existing records and archives legislation	10	67
Non-implementation of RAMD advice	9	60

Source: Field Data, 2009

Table 4.8 shows that the most cited challenge was lack of adequate information technology training with a score of 15 (100%). The next challenge cited was inability to determine the amount of electronic records created which scored 13 (87%). This was followed by inadequate financial resources and inadequate staff with a score of 12 (80%)

each. Neglect of records management personnel by top management and inadequacy of existing records and archives legislation were mentioned by 10 (67%) respondents each. The other nine (60%) respondents reported non-implementation of RAMD advice as the challenge they faced.

From table 4.8, one is inclined to conclude that RAMD was not playing any meaningful role in advising the MoICS on the management of electronic records at a time when government websites are proliferating and government business is increasingly being conducted electronically. In other words, apart from paper-based records, the ministry had not been given advice on managing electronic records. Indeed, all 15 (100%) RAMD staff indicated that they had neither undertaken a survey to determine the amount of electronic records generated in the ministry nor provided advice to registry staff on how to manage electronic records.

The challenges of inadequate financial resources, inadequate staff and neglect of records management personnel by top management result from many government officials' failure to recognize records and archives as evidence.

4.5.3 Interpretation of Data

According to Millar (2004) governments in many parts of the world and particularity in developing countries, perceive records as relics of the past, that is, ephemeral materials kept for their historical value but not evidence of the rights and obligations of governments or citizens. As a result, there was often limited financial and organizational

support for records management programs and national records and achieves departments in many developing countries were marginalized with insufficient resources, deficient physical facilities and inadequate infrastructure. The fact is records authorities are starved off financial resources and registries denied of qualified and competent staff on the guise of downsizing. The lack of adequate resources has greatly undermined the work of RAMD and will probably make difficult for it to accord appropriate assistance to the ministry as far as compliance with FOI requests are concerned.

Another challenge cited was inadequacy of existing records and archives legislation. The Records and Archives Management Act (2002) embraced records in all media, including electronic records. However, while the Act made no distinction between paper and electronic records, its wording implies manual rather than electronic systems. Likewise, records and archives management regulations, while medium neutral, implied a paper records when dealing with, for example, access to, or transfer or destruction of records, and they provide no specific procedural guidance on transferring, accessing or destroying electronic records that would be different from those of paper records.

Moreover, there was no requirement for the designers and implementers of computerized systems to coordinate record management functionality with RAMD. In addition, the Act did not give the director the mandate to manage electronic records or to collect and disseminate information on technological developments relating to records management in MDAs. An example of technological development is the application of computers in the conduct of government business. On-going government e-government initiatives in

the public service would also lead to increased use of computers in government departments. In other words, electronically generated records may be lost if registry staff are not kept informed of such developments. In the event, the assistance of RAMD aimed at enabling the MoICS comply with FOI requests would be very much curtailed.

The above exposition raises questions about the role of digital records management in being able not only to facilitate locating information, but also potentially permitting the quality of the information retrieved to be improved. It also suggests perhaps that reference to records management improvements may be with paper records in mind rather than digital systems. So, for instance, whilst the introduction of retention and disposal schedules seems to have accrued during the ongoing implementation of PSRP and which are partly linked to the envisaged FOI law, this has rarely extended to digital equivalents. Therefore, a hard copy document is disposed of in line, the digital equivalent is very often not attended to, but may exist in an unstructured space either on a shared drive or personal computer areas, and remain disc losable if located or specifically asked for. This has the potential to be a problem; especially as some interviewees noted that not only would the number of FOI requests be big but also that they will be increasing in their complexity as the time goes on.

RAMD staff also mentioned the challenge of non-implementation of their advice provided to registry personnel. Several reasons were attributed to this state of affairs. Many of them were, however, of the view that senior government officers did not support registry staff. As to add salt to a wound registry personnel are poorly trained and had

above all been subjected to constant transfers. It was a paradox that the much needed advice by RAMD to the ministry was not being implemented. One wonders then how RAMD could assist the ministry to comply with FOI requests!

These may be attributed to Griffin and Mazikana (2008) Tanzanian study which reported the presence of semi-current and non-current records in many ministries which mixed up with current records. This made it difficult for registers to provide accurate records and the information needed for quick and timely decision making let alone that which will be required to comply with FOI requests. The advices were therefore aimed at streamlining the registry management practices as a way of improving public service delivery, which incidentally includes compliance with FOI requests.

During the period under study, the government of Tanzania was in the phase two (PSRP 11) of Public Service Reform Programme within which records management featured high as one of the critical factors that would determine the success of the reform programme. With this in mind, it was imperative and most fittingly for the MDAs including the MoICS to seek a great deal of assistance from the RAMD. In the same vein, RAMD was keen to provide records management advice to MDAs as way of not only reasserting its prime role in the successful implementation of the public service reform programme but also as a way of marketing its service within the Tanzanian public service.

4.6   Challenges the Ministry faces in Meeting Requirements of the Proposed FOI Law

The study sought to understand records management challenges facing the Ministry of Information, Culture and Sports in meeting the requirements of the proposed FOI law.

4.6.1   Data from Directors, RAMD Staff and Registry Personnel

The category of directors (HoDs) respondents were first asked point blank about the records management challenges the ministry face in meeting the requirements of FOI law. With the exceptions of action officers, the same question was asked to RAMD staff and registry personnel. Their responses are statistically presented in Table 4.9

TABLE 4.9 Challenges the Ministry faces in Meeting Requirements of the Proposed FOI law (n=42)

Records management challenges	Directors N=9		RAMD Staff N=15		Registry personnel N=18	
	freq	%	freq	%	Freq	%
Poor record management	9	100	15	100	18	100
Lack of proper training for RMAs	9	100	15	100	18	100
No proper classification system of records	9	100	15	100	18	100
Poor management of electronic records	9	100	15	100	17	100
Inadequate retention and disposal schedules	7	78	12	80	17	94
Inadequate equipments and storage facilities	7	78	10	67	14	78
Lack of proper technology for managing records	6	67	8	53	14	78
Poor security of registries	5	56	7	47	12	67

Source: Filed Data, 2009

Table 4.9 shows that the most mentioned challenges were poor records management, lack of proper training for RMAs, no proper classification system of records and poor management of electronic records with score of 100% in each category. The next challenge cited were inadequate retention and disposal schedules which scored 7 (78%)

for directors, 12 (80%) for RAMD staff and 17 (94%) for registry personnel; inadequate equipments and storage facilities with scores of seven (78%) for directors, 10 (67%) for RAMD staff and 14 (78%) for registry personnel and lack of proper technology for managing records which was mentioned by six (67%) for directors, eight (53%) RAMD staff and 14 (78%) registry personnel. The least cited challenge was ensuring security of registries which scored five (56%), seven (47%) and 12 (67) respectively among the three categories of respondents.

When respondents were further probed upon as to whether these challenges were recognized by RAMD, all of them answered in affirmative. Given that these challenges are known to RAMD and yet they remain surprisingly intact in MDAs (the ministry) suggest that either RAMD by errors of omission or commission does not fulfill its oversight role or it has got the problems of its own that make it difficult to address these challenges. In any case, this has resulted into RAMD's failure to adequately provide professional leadership and guidance on matters concerning the management of public service records.

As to the measures taken to address these challenges respondents listed installation of new classification system, running training programmes for RMAs and allocating budget for training RMAs and purchase of equipments. Other measures mentioned were ensuring top management support records management functions. Respondents also saw the imperative of ensuring that there is closer relationship between RMAs, mid level officials and top management for better management of records.

4.6.2 Data from Action Officers

On their part, the action officers were asked about the challenges they face in ensuring proper management of records as far as meeting the requirements of FOI law was concerned, they mentioned the following:

- "inadequate budget for records management functions";

- "lack of well trained personnel";

- "minimal support from top management"; and

- "Poor records management"

4.6.3 Interpretation of Data

The findings suggest that the challenges facing the MoICS in meeting the requirements of FOI law are enormous and concerted efforts would be needed to overhaul the records management regime. An accusing finger was also pointed to the RAMD which though appeared to play a key role in advising public service organizations to manage their records effectively as it is mandated by the Records and Archives Management Act (2002) it had not sufficiently carried out this mandate. It is not out of place to sum up that RAMD had not effectively helped the Ministry's registry personnel to manage records, irrespective of their format and during their continuum as a result of resource constraints. This had implications in that since trustworthy decisions depend on well managed information, public service delivery may have been compromised. But most importantly, this would pose an eminent threat to the Ministry's bid of meeting the requirements of FOI law. In this respect the tragedy will befall not only the ministry but also the public as a whole.

It is against this background of bleak outlook that Mnjama (2003) concluded that the factors that contributed to the poor state of recordkeeping in the public sector not only related to problems within the public institutions, but also relate to records and archives institutions failure as the main advisors to the government in the management of public records. However any attempt to find a sustainable solution to the problems of managing public service records must involve National Records and Archive Institutions.

The absence of RAMD's regular records management advice would make it difficult for public officers to create, classify and index records, to have in place efficient records access and use practices, ensure good records storage conditions, conduct environmental monitoring and control, devise disaster management and security plans and prepare retention schedules to guide records disposition. It would also be difficult for registry personnel to make follow up visits to government departments to monitor and ensure that the advice they provided to them was being implemented if human and financial resources are limited (Kemoni and Ngulube, 2008). Consequently, archive personnel would not know the challenges records creators confronted in implementing the advice they provided and would therefore be unable to properly address themselves to these challenges.

4.7   Respondents Recommendations

The study sought recommendations from the respondents on the ways of addressing the records management challenges and assist in the implementation of the proposed FOI law at the MoICS.

4.7.1 Recommendations Made by the Directors

The directors made the following recommendations.

- '' RM practices in the MoICS need to be improved prior to the implementation of the proposed FOI law";

- "RMAs need to attend training especially on electronic records management to cope with the ongoing technological changes";

- "RAMD have to play a pioneering role in advising the MoICS the proper management of records and training of RMAs";

- "RAMD have to assist the Ministry on how to store semi current records so as to create enough space in the registries for current records" and;

- ''MoICS need to have a policy and set both long term and short term strategies on records management''.

4.7.2 Recommendations Made by Action Officers

Action officers made the following recommendations:

- "There is a need for the MoICS to have a wide standards and guidelines for the design and management of both paper and electronic records";

- "Training more RMAs to be competent in managing records in both formats";

- "Improved RM is a prerequisite towards effective implementation of the proposed FOI law";

- "Increase budget for records management functions" and:

- "Increase support from top management to registry staff"

4.7.3　Recommendations Made by RAMD Staff

RAMD staff made the following recommendations:

- "The MoICS need to adopt and implement standards and procedures introduced to them by RAMD";

- "The standards and systems introduced to the MoICS need to be sustainable";

- "Records management practices need to be improved prior the implementation of the proposed FOI law";

- "The proposed FOI law need to be revised and involve the RAMD from the very beginning to incorporate the issues of records management";

- "RAMD need to play a pioneering role to provide assistance to the MoICS on proper management of records in all formats to be able to cope with the proposed FOI law" and;

- "MoICS need to allocate enough budgets to train RMAs and manage current and semi current records properly".

4.7.4　Recommendations Made by Registry Personnel

Registry personnel made the following recommendations:

- "More budget to be allocated for proper records management";

- "Training provided to RMAs should be more practical and focus on management of records in all formats";

- "The management and action officers should provide more support to registry personnel to enable smooth execution of their duties";

- "Records management cadre should be appreciated and respected in the Ministry" and;

- "Increase motivation to registry personnel to rise their morale towards work".

4.8   Summary

Chapter four has presented analyzed and interpreted data in accordance with the research objectives and research questions. The research findings reveal that, records management could be a prime driver towards fostering the implementation of freedom of information law because of the fact that without proper records management, FOI law implementation could not be realized; the contributory factors to poor records management were lack of a policy for managing records, poorly trained records management personnel and senior officers' lethargy; the proposed Freedom of Information Legislation was prematurely tabled and poorly conceived because of non involvement of one key player that is Records and Management Division (RAMD); and RAMD was not playing any meaningful role in advising the ministry on the management of electronic records.

CHAPTER FIVE: SUMMARY OF RESEARCH FINDINGS, CONCLUSION, AND RECOMMENDATIONS

5.0 Introduction

This chapter provides a summary of the research findings, conclusion and recommendations. Summary of the research findings based on the research objectives and recommendations are given to address shortcomings and inadequacies identified by the study. A proposed Records management framework for the implementation of the proposed FOI law at the MoICS is presented.

5.1 Summary of Research Findings

The study present summary of research findings in relation to the objectives of the study. The study set out to investigate records management and the implementation of the proposed FOI legislation at the MoICS, Tanzania.

5.1.1 Research Objective One: How Management of Records in their Continuum will cope with Freedom of Information Requests

The study found out that:

- FOI has the potential of reinvigorating the records management and lead to its recognition as an important corporate function in the public service. These is as far as to the fact that the enactment of FOI law would allow citizens to access

government information and records, and therefore keep themselves abreast with what

- Records management could be a prime driver towards fostering FOI simply because of the fact that without proper records management FOI law implementation could not be realized.

- Systematic records management is a key for citizens to easily access government information.

- Despite given a higher potential of driving up records management to secure its appropriate place within the public service settings it was cautioned however this will much depend on putting in order records management itself. This was no ideal observation since it was found that most of the records are not well maintained with most of the registries personnel poorly equipped to function towards achieving the shared aspirations of good records management.

- The contributory factors to poor records management were lack of a policy for managing records, poorly trained records management personnel evidenced in ICT and senior officers' lethargy. All these factors could be encapsulated under poor infrastructural capacity for records management.

5.1.2 Research Objective Two: Establish the Infrastructural Capacity for Records Management in the Ministry and How it will Foster the Implementation of the Proposed FOI Law

The study established that:

- Budget allocated for training program for RMAs is insufficient;

- RM personnel were provided with training opportunities at the level of certificates and diploma;

- Training provided to RMAs was too theoretical;

- No ministry wide strategy for managing records in both formats;

- Registry personnel at the MoICS receive very little support from top management and;

- The MoICS has no policy, regulations and standards for records management.

5.1.3 Research Objective Three: Investigate the Implication of Freedom of Information Law on Records Management Practices

The study found that:

- FOI law will have positive impact on records management practices as far as proper up keeping records on the part of government is concerned.

- FOI law will act as a launching pad towards improved records management in the public service.

- Improved records management in turn was found to be a prerequisite towards effective implementation of FOI law. While the study found doubts expressed as to the effect of FOI law, this was however conditioned on improved records management regime to which the government is striving to archive.

- The FOI legislation was prematurely tabled and poorly conceived. Though the designing of the legislation involved a lot of stakeholders, the study found non involvement of one key player that is RAMD.

- In sum, the key findings arising out of this objective is that FOI law will have positive effect on records management practice on condition that records are well maintained and records management is improved.

5.1.4 Research Objective Four: Determine the role of Tanzania Records and Archives Management Division in assisting the Ministry to comply with the proposed Freedom of Information Requests

The study findings show that:

- RAMD staff were of the view that the main areas in which it can assist the MoICS comply with FOI requests is that of providing professional advice. This advice should be geared towards capacity building for the MoICS to comply with FOI requests.

- The RAMD thought the capacity building must be anchored in both infrastructural capacity and human resource. These double capacity building endeavors reflect the current state of records management regime but also the dismaying state of registries work force to properly execute their duties.

- The advices provided by RAMD to the MoICS were not implemented. This in fact was cited by the RAMD staff as one of the greatest challenges which they face.

- RAMD itself was portly positioned to offer advice on the management of electronic records. This was an important finding given that all countries world – wide are moving towards e- records management and that government business would increasingly be conducted electronically.

- Top management at the MoICS fails to recognize records and archives as evidence.

- Records management functions are starved off financial resources, competent staff and neglected altogether.

- Records management is hamstrung by inadequate legal framework which pays minimal attention to electronic records.

5.1.5 Research Objective Five: Find out Challenges the Ministry Faces in Meeting Requirements of the Proposed Freedom of Information Law

The study findings show that the ministry is facing many challenges in meeting requirement of FOI law. These include:

- Lack of proper training for records management personnel to ensuring security of registries.

- RAMD was not appropriately functioning as the main advisor to the government in the management of records.

- Meeting the requirements of FOI law will be in addition constrained by inadequate budget, lack of well trained personnel and neglect of the records management functions by the top management.

- Although training programme for records management personnel exists and periodically records management personnel attend various courses at various levels these programmes are too theoretical.

- There is no ministry-wide strategy for managing both paper and electronic records. Neither were there standards and guidelines for the design, management and implementation of paper and electronic records.

- Records management standards and procedures to guide MDAs for managing records were found to be present at the RAMD but these records management standards and procedures were not appropriately adopted and implemented by the MoICS. This was a strange finding since the study questioned this kind of modus operandi where standards and procedures are neither preset nor followed.

5.2   Conclusion

FOI has the potential of reinvigorating the records management and lead to its recognition as an important corporate function in the public service. This is as far as to fact that the enactment of FOI law would allow citizens to access government information and records, and therefore keep them abreast with what government is deciding and actually doing. The study observed that most of records in the MoICS are not well maintained and most of registry personnel are poorly equipped to function towards achieving the shared aspirations of good records management. The contributory factors to poor records management were lack of policy for managing records, lack of trained records management personnel especially on ICT and senior officers' lethargy.

It can be concluded that although records management was considered a prime driver towards fostering the implementation of FOI law there was no efforts to improve the management of records to ensure access and availability of records in time. It is therefore important for the ministry to take necessary measures to ensure proper records management by advocating enough budgets, train RMAs, find enough space to store both current and non current records and more important to have a policy, standards and regulations for records management. To realize the implementation of FOI law records management must be well managed at the MoICS because records management is a prime driver towards fostering the implementation of FOI law.

The infrastructural capacity for records management at the MoICS was poor therefore can not support the implementation of the proposed FOI law. RMAs were not well trained and therefore were not competent in managing records in both formats. Also the budget allocated for records management activities has been insufficient. There was no ministry wide policy, standards and guidelines for managing paper and electronic records. Security and integrity of records was lacking because other staff were allowed to enter the registries, especially open registries. Due to few opportunities for training, insufficient budget and registries be neglected unit in the ministry, registry personnel had low morale towards their work.

It can be concluded that there is no infrastructural capacity for records management which may be used as a point of departure towards supporting compliance and implementation of the proposed FOI law in the MoICS.

The study found that FOI law will have positive impact on records management practices as far as proper up keeping records on the part of government is concerned. Besides, it was found that FOI law will act as a launching pad towards improved records management at the MoICS. Improved records management in turn was found to be a prerequisite towards effective implementation of the proposed FOI law. At other extreme the findings showed that FOI legislation was pre maturely tabled and poorly conceived, therefore its implication to records management will be negative.

It can therefore concluded that, whilst most interviewees agreed that FOI law would give records management a higher profile and an increased awareness of it as an important organizational resource in public service delivery, there are at present few tangible examples from elsewhere of the way in which records management had been directly transformed as a result of FOI law. Since the study proves that FOI law, records management and infrastructural capacity for records management are closely and mutually reinforcing, therefore much more need to be done to ensure that FOI law adoption work for the good of records management practices.

From the research findings, the advices provided to the MoICS by RAMD staff to enable it complies with the proposed FOI law are: Records classification systems; Training of registry personnel; Appraisal and Disposal of records; Decongestion of records in the registries and allocating budget for records management. RAMD staff faces a number of challenges when providing records management advices to the MoICS as follows: in

adequate financial resources; in adequate number of trained staff; neglect of records management by top management and; non implementation of records management advices provided to them.

The study observed that RAMD was not playing any meaningful role in advising the MoICS on the management of electronic records at a time when government websites are proliferating and government business is increasing being conducted electronically. In other words, apart from paper based records, the Ministry had not been given advice on managing electronic records. Indeed, RAMD staff had neither undertaken a survey to determine the amount of electronic records generated in the ministry nor provided advice to registry personnel on how to manage electronic records.

It can be concluded that, the lack of adequate resources caused by lack of support from the top management has greatly undermined the work of RAMD and will probably make difficult for it to accord appropriate assistance to the Ministry as far as compliance with FOI requests are concerned.

The study observed the following records management challenges as the major one facing the MoICS: poor management of electronic records; lack of policy, standards and guidelines for management of records; shortage of budget; and limited support from top management to registry personnel.

Therefore it can be concluded that, since the challenges facing the MoICS in meeting the requirements of the proposed FOI law are enormous, concerted efforts would be needed to get things in order, particularity overhauling the overall records management regime.

5.3 Recommendations

From the research findings many issues had been identified that affect the management of records in their continuum hence will affect the implementation of the proposed FOI law. From those findings therefore recommendations are made to address records management issues identified so as to enable proper management of records to facilitate the implementation of the proposed FOI law.

5.3.1   Financing

The study found that records management is a prime driver towards fostering FOI because of the fact that without proper records management FOI law implementation could not be realized. FOI has a potential of reinvigorating the records management and lead to its recognition as an important corporate function in the MoICS. The Permanent Secretary of the MoICS should allocate enough budgets to train RMAs on records management courses to be able to manage records in all formats from creation to disposition. This will enable them to cope with technological advancements and be able to identify and allocate records in a time required for decision making and also to meet the requirements of the proposed FOI requests. Another recommendation is that factors that impact negatively on the integrity of records such as interrupted power supply, computer viruses should be addressed to safeguard the integrity of records over time.

The Permanent Secretary of the Ministry should strategize to improve the access to funds from government and other sources for the sake of meeting the financial and technical demands of maintaining efficient and effective record keeping systems including computerized record keeping systems which depend on state of art equipment; software, internet connectivity, adequate skills and reliable power supply.

5.3.2 Promoting Records Management

The study also found out that the management and action officers at the ministry considers records management as an overhead, therefore minimal attention is given to the management of records. There is a need therefore to address the problem of low priority given to records management at the MoICS. The study recommends that the Assistant Director for records management should develop awareness programmes aimed at senior management in all MDAs across the government to sensitize them on the importance of records in their work and the need for them to provide maximum support to their records management personnel. The director and records officers should, in addition, carry out periodic inspections on MDAs records management programmes to (1) assess MDA's progress in improving records management programmes (2) evaluate the efficacy of RAMD's government-wide records management programmes. Without these strategies, RAMD will have no basis upon which to measure the success of its records management improvement programmes.

The research findings established that, before the implementation of the proposed FOI law there must be concerted efforts to ensure proper management of records. Most of the findings pointed a bleak picture to the effect of FOI law enactment on records

management practices due to the fact that most of government records are not well managed. Therefore improved records management is a prerequisite towards effective implementation of the proposed FOI law.

The study also found that when the proposed FOI law was formulated one major key stakeholder was not involved which is RAMD, and it was only at the eleventh hours when the Director of Records and Archives was invited to comment on the bill and give out his views about the state of records management in the government. In such situation, where the institution which is the main repository of records is marginalized, it was quite impossible for the law to have any positive effect on records management. From this finding the study recommends the law to be revised and the Director of RAMD to be involved right from the very beginning in order to incorporate fully the issues of records management, because the success of both FOI law and records management practices depends on each other.

The study found out that the following advices among others were provided by RAMD to the MoICS: conducting records survey and appraisal; records disposal; developing records management policy, standards and guidelines, and allocation of budgets for records management practices. While providing the advice to the ministry RAMD faced a number of challenges, among the challenges are: lack of skilled registry personnel, inadequate financial resources, neglect of records management personnel by top management, lack of policy on records management and non implementation of RAMD advices by the ministry.

In order for RAMD to ensure the implementation of records management advices they provide, should put more effort to conduct regular surveys and influence the development of record keeping policy, regulations and guidelines which will give clear responsibilities to the ministry on records management. Also RAMD should make sure that registry personnel are recruited and employed on the basis of their records management qualifications and experience so that to be easy to work with them. This will ensure proper management of records in the MoICS and the public offices in whole and will therefore be in a position to comply with the proposed FOI law.

5.3.3 Records Management Policy and Guidelines

The study found that the infrastructural capacity for records management at the MoICS can not support the implementation of the proposed FOI law due to several factors: RMAs were not well trained, no ministry wide policy, guidelines or standards to govern the management of records and poor allocation of budgets for records management activities. The study recommends that the Director for records management and the management team of the Ministry develop policy, standards, guidelines and procedures for records management and make sure they are implemented to improve management of records in the ministry. The findings of the study have confirmed that a move towards right to information is growing among different groups in the country. Therefore without policies, standards and laid down procedures and guidelines the Ministry can not be in a good position to meet the FOI requests. Beside what is suggested above, mechanism should be put in place to see that each and every servant in the Ministry abides to these

regulations and that severe disciplinary actions should be taken against those who fail to comply.

5.3.4 Review of Records and Archives Management Act (2002)

The study also found out that the existing Records and Archives Management Act (2002) does not adequately address the aspect of electronic records management. Therefore while RAMD had had some success in enhancing general records management, much work remained to bring record keeping across government up to professional standards. The Director (RAMD) should initiate the review of the Act. The role of the state archives in the management of both current and non current records across the public service need to be reviewed and enhanced during the review of the Act. There is also a need for the legislation to address the overall management of digital records that will be created and stored in a variety of formats.

5.3.5 Records Management Awareness Programs

To address the low priority given to records management programme across government, this study recommend that the Assistant Director for Records Management with other stakeholders to develop awareness programmes aimed at senior management in all MDAs across the government to sensitize them on the importance of records in their work and the need for them to provide maximum support to their records management staff. RAMD should, in addition, carry out periodic inspections of MDAs records management programmes to (1) assess MDA's progress in improving records management

programmes (2) evaluate the efficacy of RAMD's government-wide records management programmes. Without these strategies, RAMD will have no basis upon which to measure the success of its records management improvement programmes.

5.3.6 Training

The study established various challenges the MoICS face in meeting the requirements of the proposed FOI law. These include: Lack of proper training for RMAs; Poor management of electronic records; Lack of policy, standards and guidelines for management of records; Shortage of budget; Limited support from top management to registry personnel; and; Low support from RAMD especially on the management of electronic records, among others. The study recommends that:

Special training on the management of electronic records need to be provided to RAMD staff in order to enable them to provide useful advices on the management of electronic records in the ministry and public offices at whole. This is very important because ongoing government initiatives in the public service would lead to increased use of computers in government departments; in other words electronically generated records may be lost if registry personnel are not kept informed of the ongoing developments. In the event, the assistance of RAMD aimed at enabling the MoICS to comply with FOI requests would be very much curtailed.

The MoICS directors have to provide more support to registry unit. They have to change their perceptions towards records management i.e. instead of perceiving records as relics of the past, that is, ephemeral materials kept for historical value, perceive records as evidence of the rights and obligation of government to citizens. This will help to change their attitude towards registry personnel and registry unit hence will allocate enough funds for the unit and take more care for the registry personnel by motivating them and training them frequently to be able to manage records in all formats properly.

RAMD staff to conduct regular records management advices to the ministry to enable good creation, classification, indexing, storage, use and disposal of records. Also to conduct environmental monitoring and control, develop disaster management and security plans, help the Ministry to develop records retention and disposal schedule etc. By conducting regular surveys to the ministry RAMD staff will know the challenges confronting the ministry in the management of records hence hinder the implementation of the proposed FOI law.
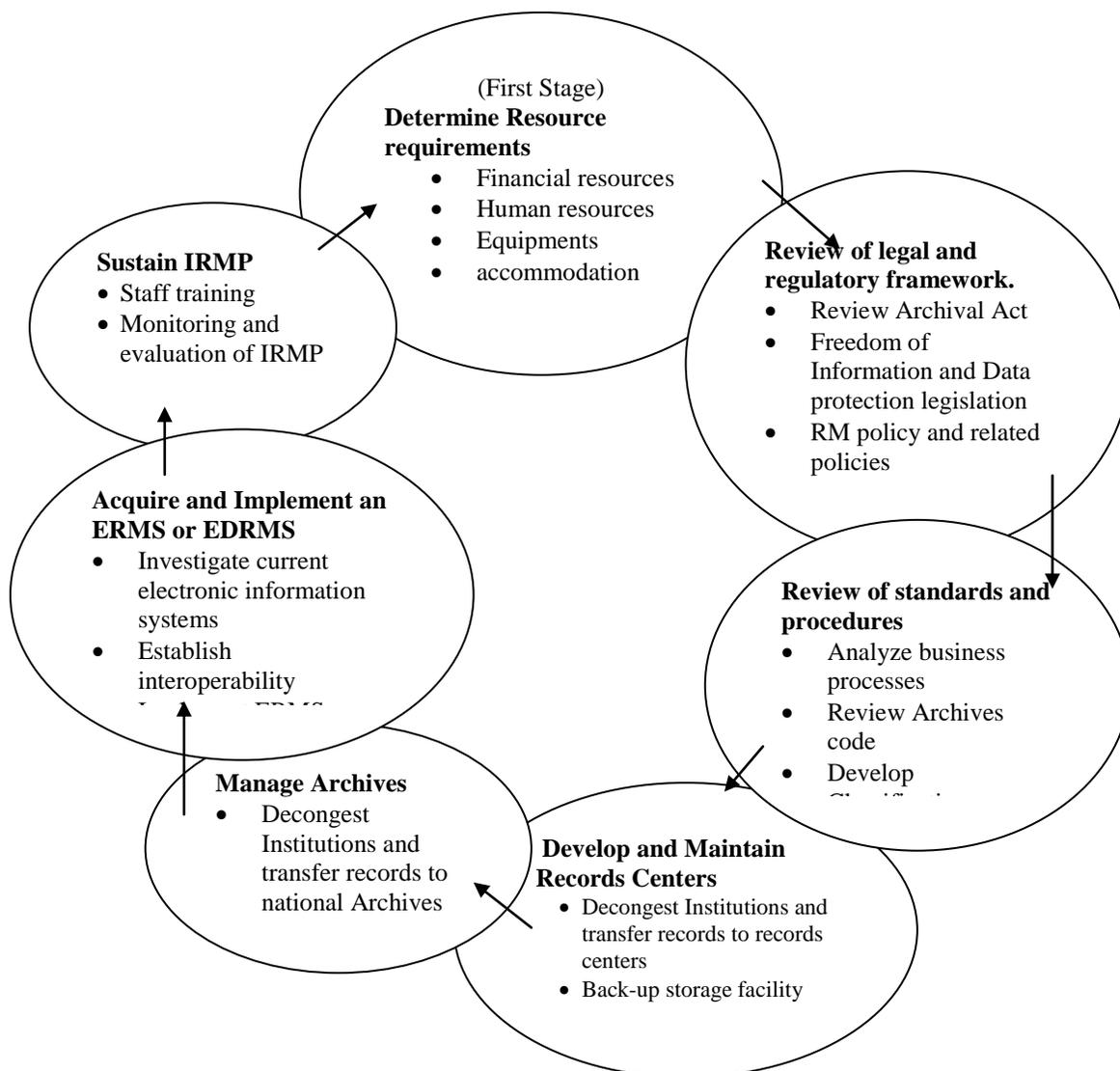
5.4   The Proposed Records Management Framework to Support the Implementation of the Proposed FOI Law in the Ministry of Information, Culture and Sports

The study sought to develop a model which would be used in managing records in the MoICS. The model being proposed in this study is an *Integrated Records Management Model for the MoICS* (Figure 5.2) adopted from Nengomasha (2009) *Integrated Records Management Model for the Public Service of Namibia (see* figure 5.1) and modified to

suit the MoICS as per findings of this study. It takes into account the fact that, Tanzania's public service, like many other African countries, operates a hybrid system of paper and electronic media. This model for records management programme proposed by Nengomasha (2009) for Namibia public service is adopted from the World Bank (2000). The various components of the programme have drawn heavily on established records management thinking and best practices as gathered from ISO (2001) and Public Records Office [UK] (1999).
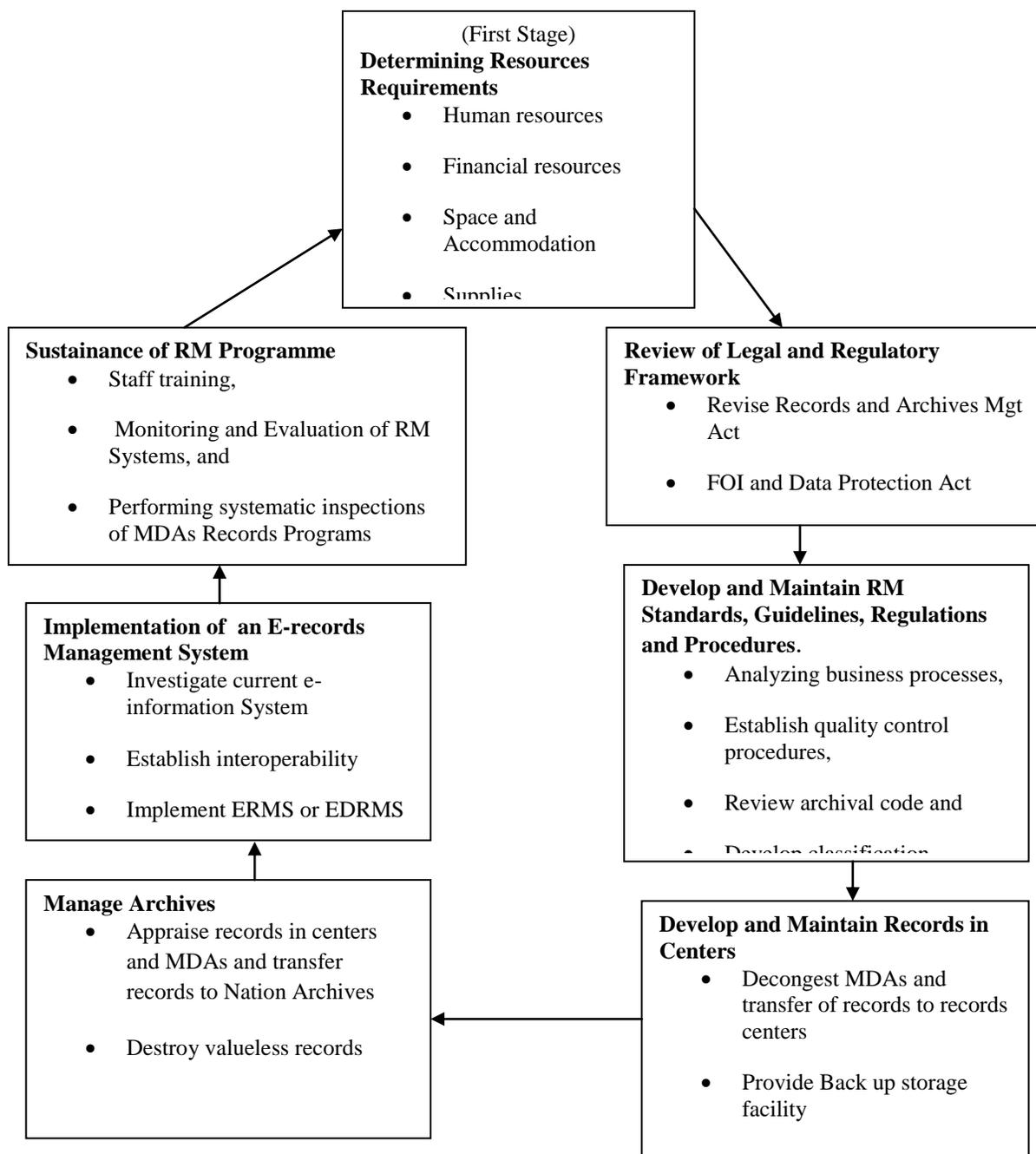
The model proposed by Nengomasha (2009) thus incorporates both traditional and electronic media. The model also strives to adhere to best practices by adopting best available methods, procedures, tools and processes that others have used to address the problems facing records management in their public service. This was seen to be in line with the findings of this study and was therefore favored to be adopted and modified for the management of records in the MoICS.

Figure 5.1. Integrated Records Management Programme for Public Service of Namibia

(First Stage)
Determine Resource requirements
- Financial resources
- Human resources
- Equipments
- accommodation

Sustain IRMP
- Staff training
- Monitoring and evaluation of IRMP

Review of legal and regulatory framework.
- Review Archival Act
- Freedom of Information and Data protection legislation
- RM policy and related policies

Acquire and Implement an ERMS or EDRMS
- Investigate current electronic information systems
- Establish interoperability

Review of standards and procedures
- Analyze business processes
- Review Archives code
- Develop

Manage Archives
- Decongest Institutions and transfer records to national Archives

Develop and Maintain Records Centers
- Decongest Institutions and transfer records to records centers
- Back-up storage facility

Source: *Nengomasha 2009*

Figure 5.2: Integrated Records Management Model for the MoICS

Source: *Adopted and Modified from Nengomasha (2009)*

Key Stages of the Proposed Model

The model explains the various stages that the ministry would have to undergo in order to strengthen records management given that the country is moving towards embracing e-government.

The first stage is determining the resource requirements. These resources are those related to finance, personnel, equipment, accommodation, and also technology. The need to consider technology requirements is due to the fact that the study findings from MoICS showed that MDAs were increasingly moving to adopt e-records management. As a result, electronic records are increasingly being created in a decentralized environment and in volumes that make it difficult to organize and make them accessible. These records need to be properly managed, as they provide documentation and information that is necessary for essential government functions and for protecting the interests of the public. A small percentage of these records will have value that demand long term preservation in an archival institution. Therefore, technology can assist in achieving this goal.

The second stage is the review of legal and regulatory framework. These consist of Records and Archives Management Act, 2002; and FOI (Bill) of 2007. In the case of Tanzania, the proposed model would also include the Intelligence and Security Services Act, 1996; The National Security Act, 1970; The Prevention of Corruption and Combating Act, 2007; and Records Management Policy, ICT policy and other related policies.

The third stage is the development and maintenance of records management standards, guidelines, regulations and procedures. This would normally start with an analysis of business processes, establishment of quality control procedures, review of the archival code and development of classification schemes and retention schedules. As suggested by NSWSR (2003) a review of existing systems would also include those systems which are required to keep evidence of government operations in electronic format as records. These include spreadsheets on action officers' hard drives, systems dedicated to particular activities such as human resources (in the case the HCMIS) or financial management, databases accessible via the Internet.

The fourth stage concerns the development and maintenance of records centers. This proposed model takes into account the fact that records go through a semi-active phase, therefore there is a need to have a safe place to keep them before the appraisal process is conducted. Therefore, the most practical step to take is to decongest the office environment by establishing in-house records centres and transferring the records to these records centers where their security is guaranteed.

The fifth stage is appraisal of the records in records centers, from which valuable records are transferred to the archives and valueless ones are disposed of.

The sixth stage involves implementation of an electronic records management system. The system may be an ERMS or EDRMS.

The final stage is the sustenance of the records management systems. Its various components include staff training, monitoring and evaluation of the records management systems, and performing systematic inspections of MDAs records programs. This stage of the proposed model recognizes the fact that overall responsibility for the management of government records in the ministry lies with the Records and Archives Management Division (RAMD). The mission of RAMD is two fold: (1) oversight of records management – that is, policies, procedures, standards, guidelines, tools and techniques; and (2) archiving, which are the permanent preservation of documents and other records of permanent interest.

The current study identified another possible cause of MDAs records management problems, which should be addressed by the proposed model, i.e. limited nature of RAMD's inspection programme, and the fact that RAMD was also not performing systematic inspections of MDAs records programs, systems, practices and procedures as per Section 6 (3) of the Records and Archival Management Act, No. 3 of 2002. Under this Act, RAMD is responsible for conducting inspections and survey of MDA records and records management programmes and practices. Its implementation requires RAMD to inspect MDAs (1) on the basis of perceived need by RAMD (2) by specific request by the MDA, or (3) on the basis of a compliance monitoring cycle developed by RAMD. In all instances, RAMD is to determine the scope of the inspection. This model confined itself to the reality that such inspections were important as a means to evaluate individual MDA records management programs; assess government-wide progress in improving

records management, and identify MDA specific challenges that required further guidance and strengthening.

5.5   Suggestions for Further Research

The study investigated records management and FOI in the MoICS, Tanzania. The study identified several issues which could be a subject of further investigation by records and archives researchers. The study suggests similar studies to be conducted in other ministries and other public offices to establish the current state of records management and implications for implementation of the proposed FOI Act.

The study was also conducted in a public office. Consequently, the study suggests similar studies to be conducted in private offices. The study also recommends other studies to compare records management in public offices and private offices and find out how private offices cope with the proposed FOI law. These studies will provide comparative information which will be used to improve records management sector in the country.

It is also recommended that a study to be conducted on records management and e-government initiatives in the MoICS and implications for implementation of proposed FOI Law; further, it is suggested a study to establish the link between records management, FOI and the attainment of the United Nations Millennium Goals in Tanzania. These studies would be timely as most of countries in Africa and Tanzania in particular are working towards establishment of FOI law, e-government, Public Sector Reforms and the attainment of United Nations Millennium Goals.

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Appendix I

INTERVIEW SCHEDULE FOR DIRECTORS (HoDs)

RECORDS MANAGEMENT AND THE PROPOSED FREEDOM OF INFORMATION LEGISLATION AT THE MINISTRY OF INFORMATION, CULTURE AND SPORTS, TANZANIA.

SECTION A.

NAME OF MDA: _____

DESIGNATION_____

DUTIES_____

DEPARTMENT_____

TITLE OF INTERVIEWEE: _____

DATE OF INTERVIEW: _____

SECTION B

Role of records management in fostering freedom of information

1. Why was FOI Law enacted?

2. Is there a relationship between records management and freedom of information law?

3. If YES, please explain.

4. Does records management has a role in fostering freedom of information legislation?

Infrastructural capacity for records management in the ministry of Information, Culture and Sports.

5. Do you have a policy for managing records during their continuum?

6. If yes, how effective is the policy in coping with freedom of information requests?

7. Are the Records Management Assistants (RMAs) in your Ministry well trained and competent in managing records in both formats?

8. If NO, how prepared are you in addressing the problem of lack of records management personnel professional skills?

9. Do you usually allocate a budget for records management in your ministry?

10. If yes, how sufficient is the budget?

11. Do you have enough equipment for managing records during their continuum?

Implication of Freedom of Information Law on Records Management practices.

12. Can the proposed Freedom of Information law impact on records management practices?

13. If YES, please explain.

14. What are your views concerning the proposed freedom of information law in relation to records management practices in this ministry.

Challenges the Ministry of Information, Culture and Sports face in meeting the requirements of freedom of information law.

15. What are the records management challenges the Ministry of Information, Culture and Sports face in meeting the requirements of freedom of information law?

16. Are these challenges recognized by Records and Archives Management Division (RAMD) as the institution overseeing records management in the public sector?

17. If YES, what measures have been taken to address them?

18. If NO, what measures will you take to overcome the challenges?

19. How do you cope with these challenges

Role of Tanzania Records and Archives Management Division (RAMD) in assisting the Ministry of Information, Culture and Sports to comply with freedom of information requests.

20. What role can the Tanzania Records and Archives Management Division (RAMD) play in assisting the Ministry to comply with freedom of information requests?

21. Do you usually seek advices concerning records management from RAMD?

Recommendations

22. What are your recommendations on records management to ensure successful implementation of   Freedom of Information Legislation in Tanzania?

Appendix II

INTERVIEW SCHEDULE FOR ACTION OFFICERS

RECORDS MANAGEMENT AND THE PROPOSED FREEDOM OF INFORMATION LEGISLATION AT THE MINISTRY OF INFORMATION, CULTURE AND SPORTS, TANZANIA.

SECTION A

NAME OF MDA: _____

DESIGNATION_____

DUTIES_____

DEPARTMENT_____

TITLE OF INTERVIEWEE: _____

DATE OF INTERVIEW: _____

SECTION B

Extent to which Records Management in their continuum can cope with Freedom of Information requests.

1. Are the files accessed in a reasonable time when requested?

2. If NO, why?

Role of Records Management in fostering Freedom of Information

3. What do you understand by the phrase "Freedom of Information"

4. Are you aware with the Freedom of Information Bill in Tanzania?

5. If YES, How do you evaluate the bill in relation to records management practices in the Ministry?

6. What is the role of records management in fostering freedom of information?

Implication of freedom of information law on records management practices.

7. Can the proposed freedom of information law impact on records management practices?

8. If YES, please explain.

9. What are your views concerning the proposed freedom of information law in relation to records management practices in this ministry.

Infrastructural capacity for records management in the ministry of Information, Culture and Sports.

10. Do you have training programme for records management personnel?

11. If YES, how regularly do they attend the training?

12. at what level?

13. Is there a ministry-wide strategy for managing both paper and electronic records?

14. Are there any ministry-wide standards and guidelines for the design, management and implementation of paper and electronic records?

15. Are the Records Management Assistants (RMAs) in your Ministry well trained and competent in managing records in both formats?

16. If No, how does this affect records management in this Ministry?

17. What is your suggestion on how to address this problem to enable the

implementation of freedom of information law?

18. Do this ministry usually allocate budget for records management?

19. If yes, is the budget sufficient to ensure proper management of records to enable

implementation of freedom of information law?

20. Are the equipments for managing records sufficient to enable proper

management of records during their continuum?

Challenges the Ministry of Information, Culture and Sports face in meeting requirements of Freedom of Information Law.

21. What challenges do you face in this ministry in ensuring proper management of

records?

22. What are the records management challenges the Ministry of Information, Culture

and Sports face in meeting the requirements of freedom of information law?

Recommendations

23. What should be done concerning records management in this ministry to ensure

successful implementation of freedom of information law?

Appendix III

**INTERVIEW SCHEDULE FOR RECORDS AND ARCHIVES MANAGEMENT
DIVISION (RAMD) STAFF**

**RECORDS MANAGEMENT AND THE PROPOSED FREEDOM OF
INFORMATION LEGISLATION AT THE MINISTRY OF INFORMATION,
CULTURE AND SPORTS, TANZANIA.**

<u>**SECTION A**</u>

NAME OF MDA: _____

DESIGNATION_____

DUTIES_____

DEPARTMENT_____

TITLE OF INTERVIEWEE: _____

DATE OF INTERVIEW: _____

<u>**SECTION B**</u>

Role of records management in fostering freedom of information

1. What is the relationship between records management and freedom of information?

2. What role does records management play in the implementation of freedom of information law?

Implication of freedom of information law on records management practices.

3. How did RAMD participate in the development of the proposed Freedom of Information law?

4. What are your views concerning the proposed Freedom of Information Law in relation to records management practices in Tanzania?

Extent to which Records Management in their continuum can cope with Freedom of Information requests.

5. In your opinion, do the current records management practices meet the requirements of freedom of information law?

6. If YES, please explain.

7. If NO, what to be done to ensure proper management of records to enable the implementation of freedom of information law?

Infrastructural capacity for records management in the ministry of Information, Culture and Sports.

8. What are the current records management standards and procedures used to guide MDAs for managing records?

9. Are these standards and procedures adopted and implemented by Ministry of Information, Culture and Sports?

10. Do you have any strategy for records management in the MDAs to ensure the implementation of freedom of information law?

Role of Tanzania Records and Archives Management Division in assisting Ministry of Information, Culture, and Sports to comply with FOI requests

11. How do you assist the Ministry of Information, Culture and Sports to manage records properly in order to enable the implementation of freedom of information law?

12. What kind of records management advice does RAMD provide to the Ministry of Information, Culture and Sports to enable the ministry to implement freedom of information law?

13. How frequently do you visit the Ministry to monitor and evaluate the records management practices?

14. Does the ministry implement the records management advice you provide to them?

15. What challenges do you face in providing records management advice to the Ministry?

Challenges the Ministry of Information, Culture and Sports will face in Meeting requirements of FOI Law.

16. What are the records management challenges the Ministry of Information, Culture and Sports face in meeting the requirements of freedom of information law?

17. How can the ministry overcome the challenges to meet the requirements of freedom of information law?

Recommendations

18. What should be done concerning records management in the Ministry of
Information, Culture and Sports to ensure successful implementation of freedom
of information law?

Appendix IV

INTERVIEW SCHEDULE FOR REGISTRY PERSONNEL (RMAs)

RECORDS MANAGEMENT AND THE PROPOSED FREEDOM OF INFORMATION LEGISLATION AT THE MINISTRY OF INFORMATION, CULTURE AND SPORTS, TANZANIA.

<u>**SECTION A**</u>

NAME OF MDA: _____

DESIGNATION_____

DUTIES_____

DEPARTMENT_____

TITLE OF INTERVIEWEE: _____

DATE OF INTERVIEW: _____

<u>**SECTION B**</u>

Extent to which RM in there continuum can cope with FOI requests

Creation

   1. How do you create your records?

   2. What information do you capture on a paper file cover?

   3. How do you classify your files?

   4. Is the classification system you are using facilitating easy retrieval of files?

   5. If yes, How?

6. If NO, why?

7. Why is it important to close files appropriately?

8. When should files be closed?

Maintenance and use

9. Do you have records control tools?

10. If YES, mention the tools you have

11. If NO, how do you control the movement of files within and outside the Ministry?

12. How long it takes to find a file when requested?

13. Who is responsible for current, semi current and non-current records?

Disposal

14. Do you have records retention and disposal schedule?

15. If YES, what is the purpose of a retention and disposal schedule for records?

16. How effective is it?

17. If NO, what criteria do you use to retain, close and dispose files?

Storage and disposition

18. What kind of shelves do you use to keep records?

    1. Wood

    2. Metal

19. Do you have a records centre for semi current records?

20. If YES, are the records systematically arranged or damped?

21. If NO, where do you keep your semi current records?

22. Do you usually transfer non-current records to the National Archives?

23. If YES, How regularly do you transfer?

24. Which procedures do you use?

25. If NO, why? Where do you keep non-current records?

26. How do you ensure security of records you are keeping?

27. Why security of records an important issue in the management of records?

28. How do you protect the authenticity and integrity of records?

29. How should documents be made accessible for use and protect them from loss or damage?

Role of Records Management in fostering Freedom of Information.

30. What do you understand by the phrase "freedom of Information?"

31. What is the role of records management in fostering freedom of information?

Infrastructural capacity for RM in Tanzania

32. Do you get training in records management?

33. If yes, how do you rate the training in relation to the requirements for managing records?

34. If no, how do you execute your duties?

35. Does the ministry have training programme or plans for the sake of capacity building in the area of records management?

36. To what extent training will improve records management and facilitate the implementation of freedom of information law?

37. Do the Ministry allocate budget for records management to ensure proper records management to enable implementation of freedom of information law?

38. If YES how sufficient is the budget?

39. If NO, how do you carry out your duties?

40. Do you receive regular support from top management in executing your duties?

41. Do you receive regular support and professional assistance from the Records and Archives Management Division?

Challenges the Ministry of Information, Culture and Sports face in meeting requirements of FOI Law

42. What are the records management challenges the Ministry of Information, Culture and Sports face in meeting the requirements of freedom of information law?

43. How can the ministry overcome the challenges to meet the requirements of freedom of information law?

Recommendations

44. What should be done concerning records management in the Ministry of Information, Culture and Sports to ensure successful implementation of freedom of information law?

Appendix V

OBSERVATION SCHEDULE

ITEM	OBSERVATION DETAILS	REMARKS
Records Creation	• How do they create records • How do they capture records	
Classification of records	• What classification system do they use	
Maintenance of records	• How do they maintain their records; both current, semi current and non current records	
Storage of records	• Where do they store their current, semi-current and non current records • Which kind of shelves do they use to store records? • Do they use environmental regulation facilities in the records storage area?	

Appendix VI

RESEARCH BUDGET SHEDULE (Kshs)

Description	Cost
Stationary and Equipment	
10 reams of photocopying papers 2@ 400	4, 000
4 notebooks@50	200
1 diary@500	500
3 Flash disks@1,200	3, 600
2DVD-RW@300	600
Pens 1 dozen@150	150
2 Reams of foolscapes@400	800
1Calculator@1,000	1, 000
1 Computer laptop@55,000	55, 000
1 Printer	6, 000

Sub total   **71, 850**

Research fee

Applications for research permit	2, 000

Sub total   **2, 000**

Literature review

Internet literature search	20, 000
Sub total	**20, 000**

Travel expenses

3 trips Eldoret- Dar es salaam	30, 000
Fare within Dar es salaam	14, 000
Sub total	**44, 400**

Data collection:

4 months fieldwork (researcher)	140, 000
1 research assistant	140, 000
Telephone expenses	5, 000
Sub total	**285, 000**

Binding/Printing expenses

Printing 5 copies research proposal	2, 000
Printing 3 copies research proposal	2, 000
Binding 5 copies of first draft – thesis@ 500	2, 500
Binding 7 copies of final draft- thesis @ 500	3, 500
Sub total	**10, 000**

Grand total	**432, 850**