



arts and culture

Department:
Arts and Culture
REPUBLIC OF SOUTH AFRICA

Managing public records and the law: What governmental bodies need to know

National Archives and Records Service of South Africa

April 2007

What is a record?

The National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996 as amended), defines a record as recorded information regardless of form or medium. Examples of *form* are correspondence files, maps, plans, registers, etc. Examples of *media* are paper, microfilm or electronic format. In South Africa we further distinguish between public and non-public records. Public records are those created or received in the course of official business by governmental bodies at national, provincial and local levels. Non-public or private records comprise all other categories of records - private papers, business records, church records, and so forth.

What is records management?

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

The National Archives and Records Service of South Africa Act and the management of public records

Records are created for a purpose and, as evidence of transactions, they have on-going use as a means of management, accountability, operational continuity, legal evidence and disaster recovery. The National Archives and Records Service has a statutory responsibility to provide effective management of public records to support evidence-based governance and service

delivery. Records created in electronic and paper-based record keeping systems contain the memory of governmental decision-making and its impact. The National Archives and Records Service also has a responsibility to ensure that this memory is maintained and protected for centuries to come.

The National Archives and Records Service of South Africa Act charges the National Archivist with the proper management and care of public records in the custody of governmental bodies. It specifies that no public record under the control of a governmental body may be transferred to an archives repository, destroyed, erased or otherwise disposed of without the written authorisation of the National Archivist. The Act also charges the National Archivist with the responsibility to determine the records classification systems to be applied by governmental bodies and to determine the conditions for the management of electronic records systems.

Statutory framework for sound records management

Well organised records enable an organisation to find information easily. The orderly and efficient flow of relevant information will enable a governmental body to perform its functions successfully and efficiently. Records that are correctly classified and stored facilitate transparency, accountability and democracy. Sound records management enables governmental bodies to comply to the principles of good governance laid down by section

195 of the Constitution, the Promotion of Access to Information Act (Act No 2 of 2000), the Promotion of Administrative Justice Act (Act No 3 of 2000), the Public Finance Management Act (Act No 1 of 1999), the Municipal Finance Management Act (Act No 56 of 2003), and the Electronic Communications and Transactions Act (Act No 25 of 2002).

Efficient records management practices are imperative if a body wishes to give effect to the provisions of these Acts. Governmental bodies must be able to retrieve the right information at the right time and retrieve all records that exist on a topic comprehensively. The requirement for sound records management practices places a major responsibility on all governmental bodies to ensure that records are appropriately generated, properly maintained and well protected for as long as they are required for functional, legal and historical purposes. Governmental bodies must also properly document all disposal actions to be able to explain why records cannot be made available on request. Only then can they be accountable to Parliament and the public.

How should records be managed?

Detailed information regarding the management of records is contained in the National Archives and Records Service's publications:

- a) *Records Management Policy Manual*;
- b) *Managing electronic records in governmental bodies: Policy*,

principles and requirements;

- c) *Managing electronic records in governmental bodies: Metadata requirements;*
- d) *Guidelines for the compilation of a records management policy;*
- e) *Prototype registry procedure manual;*
- f) *Performance criteria for records managers in governmental bodies.*

These publications are available on the National Archives and Records Service's website or can, alternatively, be requested in hard copy from the Records Management Division.

The National Archives and Records Service endorses the SANS (ISO) 15489 Records Management Standard as the required benchmarking tool for records management and, in terms of its statutory mandate, requires governmental bodies to put the necessary infrastructure, policies, strategies, procedures and systems in place to ensure that records in all formats are managed in an integrated manner. The National Archives and Records Service also endorses SANS 15801: *Electronic imaging – Information stored electronically – Recommendations for trustworthiness and reliability* and SANS 23081: *Information and documentation – Records management processes – Metadata for records – Part 1: Principles* with a view that they would guide governmental bodies in creating authoritative and reliable records.

The following is a brief indication of the actions required of governmental bodies in terms of the Act:

- Formulate and implement a re-

cords management policy and related records management procedures

- Designate a records manager to take responsibility for records management in the office
- Attend training sessions offered by the National Archives and Records Service
- Compile and maintain approved records classification system(s) for paper-based and electronic records
- Manage electronic correspondence systems, e-mail and websites with an Integrated Document and Records Management Solution
- Implement systematic disposal programmes to reduce storage cost involved in storing records no longer required for administrative, legal and historical purposes after a written disposal authority has been obtained from the National Archivist
- Keep all records in safe custody
- inspect sub-offices to ensure that sound records management practices are followed
- Ensure that registry staff are trained to apply the proper registry procedures to facilitate sound management of records
- Train creators of records to allocate file reference numbers/subjects to records according to the approved file plan.

What services does the National Archives and Records Service offer?

The Records Management Division has been mandated to render the

following services:

- Providing advice regarding the formulation of records management policies and procedures
- Investigation and approval of records classification systems
- Determining the conditions for the management of electronic records systems
- Determining the conditions for the electronic or micrographic reproduction of records
- Records management training
- Appraisal of records and issuing of disposal authority on records of governmental bodies
- Inspection of client offices to evaluate records management practices
- Issuing of records management publications and directives.

Further information

Further guidance on the management of public records can be obtained from:

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