New cloth in an old overcoat: A content analysis of the National Archives of Zimbabwe Act [Chapter 25:06] to the management of electronic records in Zimbabwe

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Abstract: **This study content analyses the National Archives of Zimbabwe Act (1986) to the management of electronic records in Zimbabwe. It is a fact that electronic records management has been adopted in Zimbabwe as a way to mitigate the challenges experienced in paper records management. This adoption has been coded as a revolution in which whether we like it or not, it has come, dominated and challenged the traditional paper record-keeping system. The objective of the study is to analyse whether the National Archives of Zimbabwe Act of 1986 as amended under Act 22 of 2001 is in tandem with current electronic records management practices. The study adopts a content analysis approach in which the National Archives of Zimbabwe Act was analysed. Qualitative data drawn from the analysis were organised into broad themes and the content reported in a narrative form. The researchers use an emergent framework to code and categorise the data and group them into themes. The study found out that the National Archives of Zimbabwe Act does not address advent of electronic records management in terms of legislative and policies. The study recommends that the policy makers should first address issues of legislation and policies for effective management of electronic records. The study deepens the understanding of electronic records management from which policy makers in Zimbabwe can take a cue to deal with the management of e-records. It is hoped that this study would help records managers and archivists, policy makers and the government of Zimbabwe to articulate and consider the amendment of the National Archives of Zimbabwe Act to cover management of electronic records.**

Keywords: **Electronic records management, paper records, records managers, archivists**

I. INTRODUCTION

A new cloth of electronic/digital record-keeping system has been accepted in Zimbabwe's public sector records management and is being sold as work wear for digital technology. The government of Zimbabwe has introduced an e-Government services through investments in information and communication technologies (ICTs) and e-services to the citizenry in areas such as health, education, research and development, and other spheres of humankind. This has resulted in the creation of a new cloth of digital records which as well require digital record-keeping platforms. It is a fact that electronic/digital records management has become a way of mitigating the challenges experienced in paper records management. However, this new cloth is still overshadowed in an old overcoat of an old legislation of the National Archives of Zimbabwe Act [Chapter 25:06] of 1986 as amended by Act 22 of 2001. The Act is hazy on digital records management and digital records are not yet accepted in the legal system as authentic evidence in a court of law in Zimbabwe. According to Greene et al., (2001:2) such a new cloth is being worn in an old gaunt as records and archives organisations are grappling to come up with new policies and legislation to address electronic records management. Whether we like it or not, the records and archives profession is in a revolution which is giving pressure to the records professionals. This demands the policy makers to become considerate and fix new ways of digital record-keeping into the future through enactment of appropriate legislation and policies that address the technological developments in the field of records and archives. Greene et al., (2001:2) argue that "archivists are being sold new suit of clothes and the tailors truly believe that they are weaving a fine fabric that will enhance the profession into the 21st century". However, "this is an illusion that like the Emperor's expensive haberdashery will leave us socially and culturally impoverished and intellectually naked" (Greene et al., 2001:2). If this new cloth which is transforming the traditional paper's record-keeping concepts, principles, rules and guidelines is not attended to, the whole society is doomed as all the records would be wiped out in obsolete gadgets. Bearman and Hedstrom (1993:89-91) argue that "the emergence of electronic records had created a need for 'steering' instead of 'rowing' in records and archives management". In order to put on this new outfit of electronic/digital records, the government of Zimbabwe have to strip off the old fabric of legislation that have served records managers and archivists well on decades-long trends.

Background and context of the study

It is a fact that records and archives have been at the foundation of human civilisation since ancient times when men adopted an innovation of record creation and management. Wilson (2012:237) describes the record as "the very foundation of civil order" of greater importance to societal continuity. "In response to this human civilisation, governments and organisations throughout the world create records to preserve information for the future" (Mukred et al, 2019). "The idea of record-keeping predates the existence of human kind, as Genesis 1 and 2 of the Holy bible (Revised Version) outline that God kept a chronological record of all his creations from the day one when he created heaven and earth to the last day which was the seventh when he rested from all his works" (Tsvuura, 2020). "Record-keeping systems date back as far as mankind developed media to store the records and much of documented history is based on the records ingested into and retained by archivists in the archives of administrative bodies" (Cohen, 2014:21). The earliest forms of record-keeping were also found in the Egyptian hieroglyphics and this had helped archivists, historians and archeologists to obtain information about the environment and activities of the people of bygone eras. This predated task of keeping records can also be traced back to the beginning of civilisation when the earliest people, the cavemen used to draw pictures on the walls of their caves, depicting events of their past times. Penn, et al., (1989: 4) argue that "keeping records has evolved over the years and experienced some re-births from the primitive media of clay tablet around 5000 BC, to papyrus reeds, and then to parchment, which gradually gave way to paper around 105 A.D". Paper is also giving way to electronic record-keeping system. It is clear that as time passed on from ancient to modern, the introduction of computers and the challenges of keeping electronic records and archives have been widely discussed in archival sciences, yet the solutions are more difficult to achieve than with paper records. Adam (2008:1) notes that "the vast majority of public sector organisations worldwide have kept records in paper files and folders for hundreds of years and this had become part of their ingrained culture".

Cohen (2014: 24) holds that the field of records and archival science emerged overtime as part and parcel of the need to keep reliable public records. He asserts that public records are generally admissible for the truth of what they self-indicate (that is, reliable, authentic and accurate when properly introduced and marked with appropriate seals, signatures and other special signs). However, these self-indicative features are a matter of concern in the digital world as electronic formats can be altered, intentionally or accidentally without traces, resulting in their authenticity being at stake and the evidence they provide not trusted. This shadows the notion that the continuity of institutions depends on the availability of records of past events and activities. "From the first media of clay tablet to papyrus, parchment, and then paper, there were traceable and admissible evidence of business

transactions" (Cohen, 2014:24). However, Klareld (2015: iii) notes that "the traditional strategies for regulating and controlling records and archives at public agencies are to a large extent based on a paper administration which is not applicable in the digital context". "Electronic records are difficult to keep as they are in bytes and bits invisibly on compact disks, flashes and other electronic media platforms that have a very short life span" (Tsvuura, 2020:21). Electronic records raised conceptual and technical challenges that engendered protracted and heated debates among archivists over the nature of such records, the processes and procedures surrounding their creation, and the measures that archival institutions and others must take to preserve and provide access to a past inscribed on digital media (Hedstrom, 2002:21). These records require attention by stakeholders and policy makers of government and organisations as they are transitory and the media on which they are kept is susceptible to fragility and obsolete within a short specific period of time (Tsvuura, 2020:21). The transition from paper to electronic record-keeping system has fundamentally changed the way records are being managed. "The introduction of computers has brought in new types of record formats which are difficult to identify and preserve" (Chinyemba & Ngulube, 2005).

Computers are bringing in with them some constraints which the records professionals need to contend with if they want to remain relevant in this contemporary information society. This has demanded appropriate records management policies, legal and statutory framework for long term preservation. "Legislative framework has a tremendous impact on how records including those created and stored in networked environments are managed" (Ngoepe & Saurombe, 2016:24). "If these frameworks are not present, records and archives would be exposed to high risks, threats and adverse effect on their management" (Tsvuura, 2020:22). This is in view that the legal law for managing records and archives in Zimbabwe public sector has not amended to meet the current requirements of digital record-keeping, thereby becoming an old overcoat overshadowing the new cloth of electronic record-keeping system. Mutsagondo and Tsvuura (2017:193) argue that "the regulatory and legal framework governing electronic records and archives management in Zimbabwe is in shambles as it is seriously dented by deficiencies in information and communication technologies and electronic records and archives management skills". The authors (Mutsagondo & Tsvuura, 2017:194) note that electronic records and archives management had been introduced before the laws and frameworks were put in place, resulting in individuals resorting to own ways of managing such records. Dube (2011), Mutsagondo and Chaterera (2016) and Huni and Dewah (2019) express that the lack of an appropriate legislation has a negative impact on the management of electronic records and archives. Dube (2011) categorically states that "obsolete and out-of-touch with technological developments legislation could not help to solve the problems experienced in the electronic environment". In addition, Nasieku (2012) and Kamatula (2010) hold that policies and

guidelines to manage electronic records are non-existent, weak or outdated in many developing countries and Zimbabwe is of no exception. Given this absence of dynamic management, "the electronic records and archives are exposed to major threats and risks in terms of their integrity, security and they could be easily lost due to obsolescence and incompatible media" (Tsvuura, 2020:29). As noticed by Asogwa (2012:198) introducing technological solutions to electronic records management without first addressing those necessary preconditions would increase the vulnerability of public records and jeopardize public service delivery strategies.

Statement of the Problem

The researchers observed that the legal law, the National Archives of Zimbabwe Act has not been amended since 2001 to cover electronic records management in the public sector. This is despite the fact that the government and some organisations have moved to embrace e-governance and electronic record-keeping systems. Digital records are not yet considered in the legal system and cannot be used in a court of law as evidence of what could have transpired. This means they are not as official as paper records and has affected the way these electronic records are managed in Zimbabwe. The country risks losing electronic records due to technological obsolescence and lack of effective control in terms of legislation. Electronic records have destabilized the concept of records and challenged the ability of government and organisations to capture, represent and preserve digital information (Hedstrom, 2002:21). The advent of electronic records has presented further challenges to the management and preservation of records (Ngoepe & Saurombe, 2016:25). This study examines the paradigm in record-keeping from the old traditions of paper records to the new electronic system in Zimbabwe. The objective of the study is to analyse whether the National Archives of Zimbabwe Act as amended under Act 22 of 2001 is in tandem with current electronic records management. The research questions were formulated as:

1. What legislative framework is being use to manage electronic records in Zimbabwe?
2. Does amendment Act 22 of 2001 address issues of electronic records management?
3. What other policies are required to manage electronic records?

II. LITERATURE REVIEW

Records management through the proper control of the content, storage and volume of records reduces vulnerability to legal challenge or financial loss and promotes best value in terms of human and space resources through greater coordination of information and storage systems (Semakula, 2015:3). Klareld (2015: iii) notes that when new information technologies are developed, the management and organisation around records and archives also tend to change. "Creation and implementation of policies, systems, organisations, processes and laws should start before electronic records and archives are created" (Smit, Glaudemans & Jonker, 2017). Smit, Glaudemans & Jonker (2017) note a pragmatic view on records and archives, as that their genesis, construction, use and continuous management in everyday life of people and organisations cannot be disputed. Their view can be used as a declarative model for understanding how records and archives are created, constructed, processed, manipulated and managed as tools for business in various organisations. The records and archives help to ensure the accountability of the organisation, safeguard evidence of activities, allow timely administrative information access and preserve the records from creation until planned destruction (Eusoff & Yusof, 2011). They form permanent evidence of the business transactions conducted in both private and public organisations (Yusof, 2015). Today, the advent of information and communication technology (ICT) into records/archives management compounded the situation and made electronic record-keeping practice different from the methods that have been practiced (Asogwa, 2012:199). The new technology demands appropriate creation and management of the records, hence professional records and archives personnel need to prepare and equip themselves with the necessary skills, policies and legislation to enable them to run records offices and archival institutions. Electronic records need to be managed according to international standards for them to remain authentic for long term value. Records must be trustworthy for governments and organisations to rely on them to meet their legal and business requirements (NARA, 2005; and Cullen et al, 2000). However, to meet such legal requirements, Lewellen (2015) argues that a 'special discipline' – records management was developed over time to support the collection, classification, storage and retrieval of records. According to Mukred et al, (2019:35965) management of records and archives carries several advantages:

1. E-records reduce the volume of data and declutter the data storage area. Data can be archived offsite for safe storage. This will allow some organizations to reduce their storage space requirements by up to 40%.
2. Rapid retrieval of information: successful systems can expediently retrieve information: this allows the provision of superior customer service.
3. Legal compliance and mitigation on litigation risks: an effective records management system safeguards the organisation from litigation and legal investigations: an electronic records management system should serve as a safety net for organizations against dangers and pitfalls.
4. An electronic records management system minimizes human errors, ensures data security, facilitates access to information, duplicates documents, provides data documentation, reduces information and communication technologies costs, supports decision-making activities, enhances quality, serves as a data repository and minimises the use of paper.
5. Electronic records management system clarifies information, enable timely delivery, reduce storage

space, and ensure easy data access and data sharing of information (Mukred & Yusof, 2018).

Mukred et al, (2019:35963) posit that government and institutions face unique challenges when implementing computer-based information management systems. Digital obsolescence has become the biggest bottleneck as the electronic records are inherently software and hardware dependent and if the reader of the software is no longer available or extinct, and has been replaced by other readers that run different formats, the records become inaccessible (Rothenberg, 1999). The ongoing technological changes are causing widespread concern around the world regarding long-term preservation of electronic records and archives (Duranti, 2005). While Duranti (2010) notes that valuable digital records have been lost or have become retrievable only at great expense, it is already apparent that the threat to electronic records management is real and widespread.

Thibodeau (2013) reveals that world over, the transition from paper records to electronic records management has been embraced and adopted with its own fragmented arrays of successes, failures and challenges. Thibodeau (2013) elaborates that digitised records are polymorphic in nature; firstly, digitised data is not and cannot be affixed to a physical medium in a durable fashion and its physical inscription changes every time it moves from computer memory to a storage medium or back; every time it is copied to a different storage medium and whenever it is transmitted on a network. The second polymorphic characteristic states that the boundaries of digitised records can be difficult to determine as web pages often include content that is not visible to the user or that is loaded into the page from external sources each time the page is viewed. Thibodeau (2013) further emphasises that since any of the external sources (style sheets, graphic images, java scripts) change, the content of the page changes accordingly, making it difficult to define what content of the web page need to be preserved. In his third polymorphic character of digital media, He outlines that the relationship between what is stored and what is presented to a human can be both complex and variable, as what would be presented to human-beings as a single object may comprise of content drawn from many different data stores. The current practice is that electronic records have been embraced without putting all mechanisms to safeguard them in terms of policy statements, skilled manpower and legislation. This has resulted in risks and in her study, Thurston (2015) categories risks that lead to mismanagement of electronic records and archives as:

a. lack of awareness that ICT systems create records;
b. lack of structures and resources for managing electronic records;
c. essential metadata not being captured systematically;
d. procedures and facilities for preserving digital data do not exist; and
e. Electronic records may lose their legal value and usability if they are not well managed.

III. THEORETICAL FRAMEWORK

The study is guided by the theoretical framework of the 'Archive-As-Is' which is primarily an organisational theory on records and archives propounded by Van Bussel in 2017. A theoretical framework according to Saldana and Omasta (2018:257) distills research into a statement about social life that holds transferable applications to other settings, context, populations and possibly time periods. This theoretical framework is based on the philosophy of pragmatism and its relationship with organisational practice directly influence organisational policies, business process, actions and transactions (Van Bussel, 2017:64). The focus of this framework is on the organisations (and/or persons) that create, process, manage and preserve information objects, records and archives in their business processes and activities (Van Bussel, 2017:44). This theoretical framework was developed to improve the organisational processing of records and archives to fight 'information chaos' and guide organisational behaviour. In the records and archives spectrum, the theoretical framework of 'Archive-As-Is' finds its place between the context oriented theory of the Records Continuum and the records oriented theory of the Digital Diplomatics (Van Bussel, 2017:64). Hedstrom (2002:24) pushes the records continuum forward temporally in order to imagine new generation of users, with fundamentally different perspectives on the past, who will approach archives through computer interfaces rather than visiting physical archives and interacting with tangible documents. According to Van Bussel (2017:64) the framework is a declarative model for understanding the archive-as-is, how it has designed, constructed, processed, manipulated and managed, and how it has grown to be the archive, that the organisation or the person that generated it, wants it to be. A strong theoretical framework according to Collins and Stockton (2018:1) can allow the researchers to reveal existing predispositions about a study and assist in data coding and interpretation. In this case, the study focused on the National Archives of Zimbabwe Act which is a regulatory legislative framework for the preservation of records and archives in Zimbabwe.

IV. RESEARCH METHODOLOGY

The study adopted a phenomenology qualitative research design as it allowed the researchers to describe the National Archives of Zimbabwe Act (1986) as an integral part of the proper management of electronic records in Zimbabwe. Astalin (2013:11) describes qualitative research as a systematic scientific inquiry which seeks to build a holistic, largely narrative, description to inform the researchers' understanding of a social or cultural phenomenon. A content analysis of the National Archives of Zimbabwe Act was done to identify gaps in the management of electronic records in Zimbabwe. The researchers undertook to have a deep knowledge and understanding of the effects and problems this Act causes to the management of electronic records in Zimbabwe. In undertaking this study, the researchers not only provided the definitive explanations, but also raised awareness

and increased insight about the Act. The qualitative data obtained were organized into broad themes and the contents reported in a narrative form. The researchers used an emergent framework to code and categorise the data and group them into themes.The researchers preferred to use the emergent code so that they made sure all data was considered for the purpose of reporting.

V. DATA FINDING, PRESENTATION AND DISCUSSION

Content analysis of the National Archives of Zimbabwe Act, 1986

It is imperative to carry an analysis of the National Archives of Zimbabwe of 1986 and establish its tenants.

(a) Title: CHAPTER 25:06; NATIONAL ARCHIVES OF ZIMBABWE ACT

Acts 8/1986 22/2001.

AN ACT to provide for the storage of public archives and public records; for the declaration and preservation of protected historical records; for matters incidental to or connected with the foregoing

[Dates of Commencement 20th June 1986; and 10th September 2002].

Preliminary Provisions of the Act

1. *Short title* – The Act may be cited as the National Archives of Zimbabwe Act.

2. *Interpretation*- covered the definition of terms as used in the Act.

3. *National Archives of Zimbabwe.*

   The National Archives established in terms of the repealed Act shall, subject to this Act, continue in existence for the storage and preservation of public archives and public records and shall be known as the National Archives of Zimbabwe.

4. *The Director of National Archives.*

   The Act under Sections 5, 6 and 7 confer functions of the Director of National Archives in terms his/her roles as well as in respect to public archives and public records, and local authority and statutory bodies records.

1. *Records Committee.*

   The Act established a Records Committee whose functions are to give recommendation to the Director in terms of retention of public records; declaration of protected historical records; and any other matters that may be prescribed.

2. *Inspection of public archives and public records.*

   The Act gives entitlement to every person to inspect public archives in the custody of the National Archives with the consent of the Director; however, in terms of

public records, it must be with a written consent of the Secretary of the Ministry concerned or any person authorized by him/her.

3. *Reproduction of public archives and public records.*

   The Act (1) prohibits the reproduction of public archives without the consent of the Director and public records without a written consent of the Secretary of the Ministry concerned. (2) Any person who contravenes subsection 1 shall be guilty of an offence.

4. *Prohibition of the removal out of Zimbabwe of public archives or public records.*

   The Act prohibits the removal out of Zimbabwe of public archives and public records. Anyone who contravenes subsection 1 shall be guilty of an offence.

5. *Declaration of protected historical records*

   The Act gives the Minister under subsection 1 powers through a statutory instrument to declare any records deemed to be of enduring or historical value to be protected historical record. Any person aggrieved by the Minister's decision shall make a representation to the Minister, who shall confirm his/her decision or reserve it and revoke such declaration.

6. *Protection and preservation of protected records.*

   The Act prohibits the defacement, destruction, alteration or mutilation or in way damage public archives and public records or protected historical records.

7. *Control of sale of protected historical records.*

   The Act prohibits the selling of protected historical records.

8. *Regulations.*

The Act empowers the Minister to make regulations in terms of:

   a. fees to be charged by the Director for the inspection of public archives or public records in the custody of the National Archives;
   b. the storage and preservation of public archives;
   c. the storage, preservation and destruction of public records;
   d. the preservation of protected historical records;
   e. Premises for the custodians of public records to be repositories for the storage of public records.

Interpretation of the National Archives of Zimbabwe Act, 1986 as amended by Act 22 of 2001

The purpose of the National Archives of Zimbabwe Act (1986) is to provide for the storage and preservation of public archives and public records; for the declaration and preservation of protected historical records; and for matters incidental to or connected with the foregoing. This Act may be cited as the National Archives of Zimbabwe Act [Chapter

25:06] and its date of commencement was the 20th of June 1986 and 10th September, 2002 respectively. Under Section 2, the Act defines a 'record' as any medium on or in which information is recorded. This can be interpreted to mean either paper or electronic medium on or in which information is recorded as defined in the Act. However, no further elaboration was made in terms of the formats of records. Section 15 subsection 2 (b), (c), (d) and (e) mandate the institution of the National Archives of Zimbabwe to provide for the storage and preservation of public archives; the storage, preservation or destruction of public records; the preservation of protected historical records; premises of custodians of public records to be repositories of the storage of public records. The first legislative instrument for the Archives was the National Archives of Rhodesia Act of 1935, and was amended in 1958. The National Archives Act (1958) came in the wake of the formation of the Federal government of Southern Rhodesia, Northern Rhodesia and Nyasaland of the colonial regime. The Act was later repealed by the National Archives Act of 1964 after Federation collapsed in 1963 (Murambiwa et al, 2012:3). When Zimbabwe gained independence in 1980, the government enacted the National Archives of Zimbabwe Act in 1986 which brought in some empowerment to the institution to inspect and examine the records in ministries and to give advice and instructions on filing, maintenance and preservation, and on transfer of records to the National Archives Records Centres at semi current phase as premised by Section 15, subsection 2 (e) to be the custodian of public records and to be repositories of public records. The last amendment to the Act was in 2001 with changes taking effect from the 10th of September 2002. The National Archives Act 22 of 2001 amended subsections 10,11,13,14 and 15 dealing with reproduction of public archives and public records, prohibition on removal out of Zimbabwe of public archives or public records, protection and preservation of protected historical records, control of sale of protected historical records and regulations respectively. Section 10 as amended by Act 22 of 2001 reads as:

> *Reproduction of public archives and public records. Subsection (1) No person shall publish or reproduce the whole or any part of the contents of any public archive or public record- (a) which is in the custody of the National Archives, without the written consent of the Director; (b) which is in the custody of any Ministry, without the written consent of the Secretary of the Ministry concerned. Subsection 2 was amended to read "Any person who contravenes Subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment".* Section 11 reads as: *Prohibition on removal out of Zimbabwe of public archives and public records. (1) No person shall remove out of Zimbabwe*

This implies that the public archives and public records are protected as long as they are in the hands of the National Archives or any Ministry. Such records are protected under the law. Ngoepe and Saurombe (2016:24) hold that archival legislation provides the essential framework that enables a national records and archives service to operate with authority in its dealings with other organs of state. The whole National Archives of Zimbabwe Act has 15 Sections and several Subsections that can be summarized into four (4) broad categories which include: title, definition of terms and provisions of the Act; records management functions; archives management functions; and enforcement of the law. The last amendment does not address the issues of electronic records, despite the fact that they were trickling in since the decade of 2000. Ngoepe and Saurombe (2016:26) argue that some records and archives legislation establishes only a general framework, leaving the detail to be added in the form of secondary legislation and normative documents. This type of legislation makes revision easy, but may appear to lack the authority of the more prescriptive approach, especially in a country where the records and archives system is not widely recognized (Ngoepe & Saurombe, 2016:26).

Gaps in the National Archives of Zimbabwe Act [Chapter 25:06] of 1986 to the management of e-records in Zimbabwe

An analysis of the legislation in the context of electronic records and archives management indicates that it has not kept with the rapid changes caused by trends in technological developments. This is despite the fact that this legislation provides the powers and obligations that are required by public institutions when undertaking records and archives management. The National Archives of Zimbabwe Act [Chapter 25:06] does not address issues of electronic records management in the public sector in Zimbabwe. This gap has created an environment which is not conducive for managing electronic records in the public sector. This weakness is stemming largely from the inflexibility of the archival legislation in the changing nature of records in the digital era (Ngoepe & Saurombe, 2016:25). Hamooya, Mulauzi and Njobvu (2011:117) note that such weaknesses stem from failure to recognize the life cycle concept of records and archives and the importance of managing records in a continuum. Mutsagondo and Chaterera (2016:254) highlight the inadequacies of the National Archives of Zimbabwe Act (1986) as well as the challenges faced by records management practitioners in using the Act to deal with the creation, use, maintenance and disposal of electronic records. The arguments put forward by Mutsagondo and Chaterera (2016:254) was that the Act was passed when the bulk of the historical records were paper-based. However, Hamooya, Mulauzi and Njobvu (2011:116) outline that many countries in southern Africa are operating archives and records management services under out-of-date or incomplete legislation or even without any legislative provisions at all. Many of these countries lack infrastructure for managing electronic records (Ngoepe & Saurombe, 2016:27).   For

example, Ngoepe and Keakopa (2011:158) contend that the National Archives of South Africa does not have the necessary infrastructure to ingest electronic records into archival custody. This is despite the fact that technology has advanced and many organisations in the SADC region are increasingly saving and accessing records in the highly networked environments (Ngoepe & Saurombe, 2016:27). Ngoepe and Van der Walt (2009) hold that the problem of national archival ineffectiveness and inefficiency in most countries is aggravated by outdated archival legislation. However, Ngoepe and Saurombe (2016:27) lament that it is necessary to update archival legislation to embrace records that are created and stored in networked environments.

Implication of the Act to current electronic records management practices in Zimbabwe

The challenges of managing electronic records in Zimbabwe are being constrained by the outdated legislation. Asogwa (2012:207) discovers that in Africa, there are no laws or legislation on electronic records and archives management, and therefore, it is useless to manage these records without procedural and legal laws since they are not fully recognized in law courts as legal documents, because of their propensity for alteration at whims. The effective management of electronic records and archives hinge on an updated legislation that allows for fast, accurate and reliable access to information. As such, an updated legislation enables timely destruction of redundant records and protection of valuable records, whether in paper or electronic formats. Asogwa (2012:207) states that the use of ICTs fails because governments neither assess the available information framework suitable for e-records management, nor consult the records managers and archivists to determine the fate of electronic records management. The author says that legislation governing many aspect of information creation, management, use, and preservation has not kept pace with the rapid changes in technology- and archives legislation is no exception. An amended legislation also helps the public sector to handle and manage electronic records and archives with authority and power. However, Asogwa (2012:203) argues that many African states are jumping into the information technology bandwagon without adequately incorporating god records keeping strategies. The risk of technological obsolescence is further compounded by legislative conditions that are not conducive for electronic records (Asogwa, 2012:205). Legislation provides for the powers, obligations and limit needed by the public sector when undertaking records management, whether electronic or paper.

Major aspects of the Act that needs amendment

In content analysis of the National Archives of Zimbabwe Act, there are some major aspects that need to be amended to suit the current digital records and archives management in Zimbabwe. For instance, the Act need to be more specific on other media such as microfilm, audiovisual and digital/electronic records and how these can be authenticated

in the virtual environment. The other aspects to be amended include the interpretation, definition of terms, functions of the director, the offenses and penalties, as well as clarity on digital records and declaration of digital archives and where they should be kept. The Act should have adequate definitions including digital/electronic records and digital record keeping systems. The Act should also cover issues of 'digital private archives' and how these materials are to be acquired by the National Archives of Zimbabwe. Digital private archives- those that are created by private organisations are critical to the full complementation of Zimbabwe's digital documentary history.

The proliferation of digital records and archives prompts to ask these questions- Can digital archives go to the National Archives for physical custody in this digital age? - Aren't the National Archives of Zimbabwe becomes a museum of old electronic gadgets from the public sector? One of the major aspect in which the Act should clarify is determining who will maintain custody of the digital records in a digital environment. This is in view that the National Archives of Zimbabwe Act was enacted focusing much on paper records whereby the institution (National Archives of Zimbabwe) has a physical custody of public archives, that is, records of permanent value declared to be archives go to the National Archives of Zimbabwe for permanent preservation. This is in view of Jenkinson (1937) idea that physical custody was critical to the 'Archive quality' which depended on records appraised as having value were placed in the custody of archivists whose main duties were the physical and moral defense of the archives. However, with the advent of digital archives, there is need for clarity on who should manage these records and the procedures for their management. For instance, "the National Archives of Australia pioneered the strategy of leaving digital archives in the custody of their originating agencies" (Hunter, 2006:5). They have termed this era a post-custodial or shared responsibility, where the National Archives comes in with policies and procedures of managing digital archives while in the custody of their creators.

VI. CONCLUSION

Basing on evidence from the analysis, the researchers concluded that the National Archives of Zimbabwe Act does not reflect the changing aspects and new trends in the landscape of digital records and archives management in Zimbabwe. It is in this regard that the National Archives of Zimbabwe Act be amended to address issues of electronic records management. This is in view that this Act is an essential component of the broader regulatory framework of accountable and effective governance in Zimbabwe. In view of the analysis, there is no reason why the legislation should remain outdated, as this could inhibit proper management of digital/electronic records in Zimbabwe. Therefore, this study recommends that the government of Zimbabwe should amend the legislation to ensure that digital/electronic records and

archives are properly managed and preserved throughout their life cycle.

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