

Legal frameworks for personnel records management in support of accountability in devolved governments: a case of Garissa County Government

Personnel
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management

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Abstract

Purpose – Accountability in personnel records management is to a large extent, dependent on the availability of personnel records, there has been very little recognition of the need to address the management of personnel records as evidence for accountability either in relation to Freedom of Information (FOI) or Open Data. It is in this regard, therefore, the purpose of this study is to investigate the legal frameworks for personnel records management in support of accountability. The study used a descriptive design which combined both qualitative and quantitative approaches where both qualitative and quantitative information was involved in the study. Founded on the records life cycle and the records continuum, the study aimed to fulfil its main objective: establishing legal frameworks for personnel records management at Garissa County Government (GCG). Purposive sampling was used to select 11 Human Resource Management Officers (HRMO), 11 Personnel Record Management Officers (PRMO) and 11 Personnel Records Management Clerks (PRMC) and 55 staff members who made the total sample of 88 respondents. Data collected were analysed using descriptive statistics with the help of a Statistical Package for Social Scientists (version 17) was used to perform the analysis of quantitative data and presented through frequency tables, percentages, means and standard deviations. Results indicated that the County Government does not have legal frameworks in personnel records management. Several challenges were identified including lack of personal records management policy, lack of integrity, lose of documents/file and poor communication system. Generally, the study shows that legal frameworks in personnel records management is very important in accountability, therefore, GCG management needs to take measure to improve legal frameworks in personnel records management infrastructure and develop personnel records management policy.

Design/methodology/approach – The study was conducted using a descriptive design. This design ensures that data collected are analysed and findings are reported to establish a better understanding of a physical or social phenomenon. The descriptive design combined both qualitative and quantitative approaches where both qualitative and quantitative information was involved in the study. The study was conducted at the County Government of Garissa's Head Quarters; it targeted staff involved in personnel records management. Garissa town was selected because it is a centre of various activities in County Government of Garissa. The target population comprising HRMO, PRMO, PRMC and staff from different ministries who depended on the personnel records management activities. Purposive sampling was used to select 11 HRMO, 11 PRMO, 11 PRMC and 55 staff members who made the total sample of 88 respondents from the population. Questionnaire method was used to collect data from HRMO, PRMO, PRMC and staff members quickly and give more freedom (in terms of time and flexibility) to the respondents. Interviews were used to obtain more in-depth information from the PRMO, HRMO and PRMC being the individuals' in-charge of personnel records were to provide information on legal frameworks for personnel records management at GCG.

Findings – Lack of a policy signifies a lack of accountability and awareness of the personnel records management standards, meaning that the staffs are not aware of their responsibilities towards the management of the County's records. This is therefore likely to contribute significantly to poor performance (Mampe and Kalusopa, 2012). This then puts the County in a precarious position regarding personnel records due to lack of guidelines on classing and handling of personnel records. Lack of a policy also shows a lack of



commitment in the area, purporting neglect, where responsibilities are not clearly assigned and remain unclear. Weak institutional capacity and the absence of, for example, comprehensive personnel records management policies have been cited as one of the main causes of archival (as well as records management) underdevelopment in Africa (Ngulube and Tafor 2006). From the reactions of the existence of a draft policy, the staff indicated that it covered among other things: a policy statement, scope, definition of terms, applicable legislation and procedures, mail management encompassing both incoming and outgoing mail, filing classification, retention and disposal, as well as a statement of responsibilities. The study revealed that: personnel records management in Kenya operates under the framework and guidance of the Kenya National Archives and Documentation Services – KNADS which is supported by the Public Archives and Documentation Services Act, Cap 19. Besides the Cap 19, of 1965 of the Laws of Kenya, there are also various legislations that support the management of records in Kenya including the Ministry of State for Public Service (MSPS) (DPM) Circular on personnel records reference number DPM. 12/6A Vol. I (71) of 12th March 2008, the Records Management Procedure Manual for the Public Service, May 2010, prepared by the MSPS in consultation with the KNADS to provide guidelines and procedures to be followed in the day to day management of records in the public service. It is meant to be used alongside existing laws and legislation governing records management in the service. The effective utilization of the manual as stated by the Ministry is to contribute towards the government's quest to achieve good governance and accountability in the Public Service. Adherence to the Manual is also meant to streamline personnel records management practice leading to effectiveness and efficiency in service delivery and the Government Financial Regulations and Procedures, chapter 23, section 4:2–5 give guidelines on the retention period for financial records. The management of personnel records is guided by various legislations and circulars such as Public Archives and Documentation Service Act, (Cap.19, Laws of Kenya) revised 1991, The Employment Act Chapter 226, revised in 1977 and 2007, The Regulation of Wages and Conditions of Employment Act Chapter 229, Income Tax Act Chapter 470 revised 1989, The National Social Security Fund Act Chapter 258 revised 1989, The Service Commission Act Chapter 185 of 1967 and DPM.12/6A VOL. I (71) dated 12th March 2008 on the destruction of personnel records. Compliance to all the above legal frameworks will ensure that personnel records management in support of accountability at GCG is achieved.

Research limitations/implications – The lack of effective personnel records management programme in a county agency was in itself non-conformity to the requirements and guidelines issued by the public services, thus leading to a lot of caution on how much could be revealed regarding the same. The focus of the study was on the assessment of paper-based and electronic personnel records management within the County Government. The assessment excluded other electronic records, such as online databases, with only personnel records being considered.

Practical implications – Nonexistence of personnel records management legal frameworks implies that the responsibilities for cooperate record management to GCG plans and guidelines of managing personnel records were inefficient. As a result of the absence of written personnel records management policy, there was also a lack of guidelines for appraisal, disposition and schedules of records. On legal frameworks for personnel records management at GCG, the findings revealed that there were many policies in GCG but personnel records management policy was missing which is very crucial. Record management policy will also enhance human resource management policy. The missing of the personnel records management policy reduces the accountability to people who deal with records management in general, increases lack of integrity and indicate that there is a presence of irrational decision.

Social implications – The missing of the personnel records management policy reduce the accountability to people who deal with records management, in general, increases lack of integrity and indicate that there is a presence of irrational decision.

Originality/value – The purpose of the study was to investigate the management of personnel records in support of accountability in devolved governments: A case of GCG.

Keywords Accountability, Legal framework, County government, Garissa county government, Personnel records

Paper type Research paper

Introduction

Records management services preserve and provide the corporate memory of an organization.

They document an organization's accountability; preserve the evidence of an organization's activities, enable timely access to current administrative information and ensure that records of archival value are marked for preservation at the time of creation and not inadvertently destroyed (Mphalane, 2005). Shepherd (2006) adds that records which are managed as part of an appropriate records management programme will help the organization to conduct business in an efficient, accountable manner, deliver services consistently, support managerial decision-making and transparent policy formulation and ensure continuity in policy execution, management and administration.

Similar to other organizations, legal frameworks for personnel records management in the Counties are very important. The Garissa County Government (GCG) in Kenya is no exception. Ever since the establishment of GCG, many employees have joined and left the County. In the process, a lot of personnel records have been generated to support accountability. In some cases, there have been challenges with regard to legal frameworks in managing personnel records. Magara (2010) opines that without an organized records and archives management frameworks there is a deficit in information access created. Such deficit contributes to inadequate and improper decision-making within County and National establishments. To avert the crisis, information provision and attention to records and archives management, preservation and conservation of archival materials need to be anchored in with effective legislative and policy frameworks.

Laws have a direct impact on the ways in which governments, organizations and individuals carry out their daily affairs. Magara (2010) further asserts that as well, laws affect the way in which people create and use records since, in virtually all parts of the world, records form the basis for legal evidence. In the case of disputes – between governments and employees, between organizations and staff, between different levels of government – records are the means for proving or disproving claims or complaints (IRMT, 2009). Therefore, understanding how to manage records requires understanding the legal context in which records should be created and managed.

Governments use legislation to ensure that their records and archives are appropriately managed and preserved over time for accountability and historical reasons. According to Chibambo (2003), a good records management framework consists of information-related laws policies and programmes, records management standards and practices, and the necessary qualified human resources to implement and manage the systems. The legal framework ensures a strategic approach to building capacity to capture, process, store, use, conserve and preserve records and National heritage.

Gupta (1994) notes that an efficient system of records management must be based on fundamental principles given below:

Justification: The purpose for which records are kept must be justifiable.

Accuracy: Records should be maintained accurately so as to minimize the chances of errors and fraud.

Availability: Records should be kept in such a way that the required information is available quickly.

Records assist the organization with reliable and legal evidence of decisions and actions (Bhana, 2008). In Kenya, various legislations have been passed for purposes of guidance on the management of public records. Key among them are the Public Archives and Documentation Act, Cap 19, Records Disposal Act Cap 14, Chapter 23 of the Government Financial Regulations and procedures, as well as the circular on the management of personnel records.

These are demands that have been laid as a way of achieving sound records management.

Chachage and Ngulube (2006) argue that one of the major reasons for the business to keep records as they generate them during their daily business operations is to comply with legal requirements and to protect the stakeholders' rights.

Legal frameworks for personnel records management in many countries Kenya included has been a challenge, for instance in Kenya the Ministry of State for Public Service (MSPS) has over time introduced several technological initiatives to assist it in carrying out its mandate.

Key among these was the introduction of the Integrated Payroll and Personnel Database to assist in Human Resource (HR) management, but all these have failed due to lack of policies and legal framework.

Contextual setting

GCG is one of the devolved systems of Government in Kenya that arose from the quest for a devolved system of governance in Kenya popularly referred to as "ugatuzi" which has been a longstanding one. The promulgation of the Constitution of Kenya 2010 (CoK 2010) on 27 August 2010 paved the way for the realization of the "dream" system of governance. Chapter 11 (Cap 11) of CoK 2010 – Devolved government specifically provides for the setting up of the County Governments Garissa being one of them.

(Cap 11) of CoK 2010 spells out the various principles of devolved or County Government that includes democratic ideals and the separation of powers. County Governments will be facilitated with reliable sources of revenue to enable them to govern and deliver services effectively. Then that no more than two-thirds of the members of representative bodies in each County Government shall be of the same gender.

The current government headquarters is in Garissa town and comprises of the County Assemblies and County Executives with county powers of the legislature – law-making and executive – implementing the laws and policies, respectively. Garissa County such as other counties is set on Urban Areas and Cities Act 2011 – this was to repeal Local Government Act Chapter 265 and transferred the control of cities and municipalities to County Governments, the Intergovernmental Relations Act 2012 and Transition to County Governments Act 2012 and County Government Act 2012.

Accountability

A good record management system is the main source of financial accountability. Inanga (1991) observed that accountability requires governments to "answer to the public and to justify the source and utilization of public resources". This is imperative as the public no doubt, has a "right to know", a right to receive openly declared facts and figures which would enable them to debate and decide the fate of their elected representatives. Consequently, Aucoin and Heintzman (2000) see the importance of accountability as a democratic means of monitoring and controlling government conduct, preventing the development of the concentration of power and enhancing the learning capacity and effectiveness of County administration. Accountability is the basis of any strong democracy as it makes it possible to call upon public office holders to account for their stewardship (Mulgan, 2003). From the perspective of checks and balances, accountability is important as it prevents corruption and abuse of office.

Personnel records

Personnel records play a vital role in providing the information needed by organizations to manage and pay their employees plan their workforce requirements and monitor personnel performance. Any organization's development and sustainability will depend on sound and

effective personnel records management and the approaches it chooses to follow will be derived in part from an analysis of the information contained in personnel records. The goal of personnel records management is to ensure that a complete and comprehensive employment history of each employee is readily available for as long as it is needed and that the information contained in personnel records supports the management, deployment, payment and development of personnel. Other key objectives of personnel records management are to support organizational accountability and to enable accurate audits by creating and protecting personnel records as reliable evidence.

Purpose of the study

The purpose of the study is to investigate the legal frameworks for personnel records management in support of accountability: A case of GCG.

Literature review

Introduction

Personnel records. Anything that pertains to employment should be kept in an employee's personal file. Every employee has a right to know what type of information is kept about him or her, which must be accurate. It is also the responsibility of an employer to make sure those records are inaccessible to non-management personnel who could use the employee's personal information (i.e. social security number, address, birth date, etc.) for nefarious purposes (Thompson, 2007). In addition, employees' personnel files should have standard forms that are used universally through the HR department; this includes disciplinary forms, salary increase orders, performance reviews and the original employment application which should all be copied to individual personnel files. According to Nicholson (2007), all personnel files should be kept under lock and key because of their sensitive nature. Personnel files need to be made available to the employee upon request. The employee is not allowed to take a personal file home; he or she can, however, request copies of anything that is in the file.

All staff personnel records should be maintained in a secured and confidential location. Files containing confidential information are to be kept in locked cabinets or drawers with limited access or similarly secured in automated. The personnel records unit is expected to maintain reasonable safeguards to ensure the security and confidentiality of personnel documents. Access to staff personnel files should be restricted to those with designated authority to review the files such as a supervisor, a department manager or a human resources manager. Official staff personnel file serves as the historical record of information pertaining to a staff employee from the date of hire to separation and contains some pre-employment and post-employment information (Guidelines for staff official personnel files (1996–2009).

Effective and efficient management of personnel records. According to the State of New South Wales Records Authority (2003), effective and efficient management of personnel records can be achieved through instituting some of the following measures; establishing policies and procedures for managing personnel records in accordance with the organization's regulatory framework. For this reason, it is good practice for an organization to understand the regulatory framework it is subject to for personnel records and to establish policies and procedures to communicate requirements to relevant action officers, supervisors and managers. The regulatory framework includes legislation and whole-of-government or industry policies and procedures and will vary according to the organization, designing personnel records systems so that records with short retention periods can be

destroyed while retaining records with long retention periods, designing personnel records systems so that sensitive records can be kept secure and protected to meet privacy management obligations. For instance, records created to support personnel functions often contain information of a personnel nature, hence organizations should ensure that such records have appropriate levels of security and that access is restricted to authorized users.

All employee files should have restricted access, accessible only by those with “a need to know” to carry out relevant business functions, creating and maintaining adequate summary records of employees. Summary records are records that summarize the content of other records and may include records such as staff service cards. Nowadays, organizations are increasingly using HR management databases or other automated systems that can provide a similar summary record of employment and service history. Consequently, the benefit that could be derived from the creation of “adequate summary records” is the authorization of earlier destruction of employee records hence an opportunity for organizations to reduce the storage or management burdens posed by large quantities of employee files. The summary record must be adequate enough to meet the requirements of evidence and therefore should at least contain details of; personal number, name and name changes of the employee, date of birth, address, contacts, next of kin, date appointed, date of leaving the service, status, position and dates held, promotions and higher duties and dates held, appointment letter or contract, locations of work, description of duties, salary rates and allowances.

Legal frameworks for personnel records management. According to the Association of Commonwealth Archivists and Records Managers (2007), the effective management of personnel records and archives throughout their life cycle is a key component of national development. Unorganized or otherwise poorly managed personnel records mean that government does not have ready access to authoritative sources of administrative, financial and legal information to support sound decision-making or the delivery of programmes and services. Nor does the government have the means of holding itself accountable for what it has done or upholding the rights of its citizens (Association of Commonwealth Archivists and Records Managers, 2007). Furthermore, if records are not well-organized during the earlier stages of their life cycle, those of enduring value will not be readily identified and safeguarded as part of the national archival heritage. However, the efficient management of records and archives must be guided by well laid down legal and policy frameworks in the country. This is because the legislation provides the essential framework that enables national records and archives service to operate with authority in its dealings with other agencies of the state.

Governments need to determine what personnel records should be captured and retained as evidence in case of legal and other challenges. That is they need to identify the personnel records that could be required as evidence of how the government conducts its business, the personnel record that could be used in defending the government or in prosecuting claims on the government’s behalf, the personnel records that document the legal bases of the government operations. These can only be practically possible if there are proper legal and policy frameworks for records, information and archives management. HR management manual for local governments in Uganda, 1999. Section 12 of the HR management manual for local government spells out the requirements for handling and management of personnel records. Pertinent issues include: personnel records are to be handled according to the procedures as prescribed in the records and information management manual for local government. Personal files are numbered in accordance with the procedures in the above manual. Ministry of Public Service Records Management Policy 2008, gives among others regulatory framework, roles and responsibilities of different personnel involved in personnel

records management, records classification systems and related records storage areas; disposal of records; access and security and legal admissibility and evidential weight Public Service Commission Guidelines to District Service Commission, Public Service Act 1969, Public Service Regulations 1994, Inspector General of Government Statute 2001, Leadership Code of Conduct, Government Standing Orders, Income Tax Act, The Constitution of the Republic of Uganda, Finance and Accountability Act 2003, Electronic Records Management Policy, The e-mail policy and the Web content management policy information security policy (Ministry of Public Service Uganda, 2008).

The importance of legal and policy frameworks in the successful creation, processing, storing and preserving of records and archives materials cannot be overemphasized. However, the structural set up for their operations are even more important. Otherwise, there could be very useful laws and policies that are not operational. The decision of the Uganda Ministry of Public Service to design a records management policy, 2008 is very impressive (Magara 2010).

Further, Magara (2010) opines that although various efforts have focused on the preservation of natural, historical and cultural heritage, there is no central strategy to integrate the libraries, archives and museum function to effectively collect, store, preserve, coordinate and enable access to documentary heritage in Uganda". The central strategy in his view is the amendment and operationalization of the Records and Archives Act 2001 and all other related legal and policy guidelines coordinated by a functional Records and Archives Agency as entrenched in the National Records and Archives Act, 2001. This will be possible if the Agency as stated in the Law is established. Effective records systems will also need to be created, as well as training and guidance for officials responsible for implementing the legal and policy frameworks for records and archives management. This call for UN reserved effort and support from the Government of Uganda. As Rodrigues (2008) notes, experience has shown that change happens only when there is unequivocal political commitment to tearing down all barriers to access and well-crafted and deliberate strategies can be developed that support each element of the legal provisions. Upholding accountability, accountability and participation requires governments to send a strong message of openness to all records and archives policymakers and managers. Strong and engaged leadership can make all the difference, particularly in the early days of implementation of legal and policy frameworks to manage information, records and archives.

The precise format and language of the legislation is determined by legal draftsmen (such as the Parliamentary), but it is essential that senior managers in records and archives institutions be able to present a sound and professional case for what the legislation should cover. This is possible in countries where records and archives professional body exists and acknowledged and respected by the government. As Parer (2000) notes, records and archives legislation may be composed of both primary and secondary legislation. Primary legislation (such as acts, decrees and ordinances) is enacted by parliament or some other supreme legislative authority. Secondary legislation (such as statutory instruments, rules and regulations) is promulgated, usually by a minister, under powers conferred by the primary legislation.

Records and archives managers need to be ably consulted and involved at both the primary and secondary levels of the legislation if the implementation is to be understood and smooth flow. Putting in place legislation and not instituting regulatory mechanisms for their operations is as good as not having the law. There must also be regulations set to compel both government and private sector to manage personnel records well.

In addition to researching legislative frameworks, it is important for the records professional to understand – and if possible, influence – the policies and regulations, under which information and records are created, used and managed (IRMT, 2009). Regulations are usually subordinate legislative instruments to actual laws: there ought to be a law in effect before a regulation is established. Laws can have quite a broad scope, but regulations are usually quite detailed. Policies can also be very broad: a policy on data management, for instance, could clarify who owns the organization's data (the organization, not the individual) and confirm that it will be stored according to accepted standards, but the policy will not outline the specific procedures involved in ensuring those requirements are met (IRMT, 2009).

It is also important to note that policies can be difficult to enforce as they can be interpreted as optional and desirable but not essential. IRMT (2009) some of the important records related regulatory and policy issues to cover the following: acquisition of records, appraisal of records, contracting of IT services, data management and storage, database management and use, destruction of data on electronic storage devices, disaster recovery and business continuity, disposal of records, electronic mail management, electronic records creation and use, information technology procurement, network management, remote access to servers and networks, scanning and imaging of records, security and privacy, training of records staff, transferring and storing records, use of wireless computer devices, Web access and use.

As the Association of Commonwealth Archivists and Records Managers (2007) notes, legislation relating to public records or national archives exists in some form or other in most, though not all, Commonwealth countries, but much of that legislation dates from shortly after independence and is now urgently in need of review and modernization. The weaknesses which can be found in older public records and archives legislation stem largely from its failure to recognize the lifecycle concept of records and archives and the importance of managing them in a continuum from their creation to their final disposal either by transfer to the national archives or by authorized destruction. This is often compounded by the inflexibility of the legislation in the face of the changing nature of records and archives in an electronic age (Association of Commonwealth Archivists and Records Managers, 2007).

Records assist the organization with reliable and legal evidence of decisions and actions (Bhana, 2008). In Kenya, there are several legislations and policies that require departments and Ministries to maintain their records. They contain either explicit or implicit record-keeping requirements that have an impact on the way personnel records should be maintained. This legislation includes the following; The Public Archives and Documentation Service Act Chapter 19 revised 1991, Government Financial Regulations Chapter 23; Miscellaneous Accounting Matters, 1989, The Employment Act Chapter 226, revised in 1977 and 2007, Laws of Kenya, The Regulation of Wages and Conditions of Employment Act Chapter 229, Laws of Kenya, The Service Commission Act Chapter 185 of 1967, Laws of Kenya, Income Tax Act Chapter 470 revised 1989, Laws of Kenya, The National Social Security Fund Act Chapter 258 Revised 1989, Freedom of Information (FOI) legislation of Kenya and the National Policy on Records Management (NPRM).

The public archives and documentation service act (Cap.19)

Kemoni and Ngulube (2007) stated that records and archives legislation exist in many countries in the form of a National Archives Act or related rules and regulations. The responsibility of managing public records and archives in the Kenya Public Service is vested in the Kenya National Archives as is stipulated in the Public Archives and Documentation

Service Act (Cap. 19). In the second schedule of this Act, public records are defined as the records of any Ministry or Government Department, and of any commission, office, board or other body or establishment under or established by or under an Act of Parliament; records of the High Court and of other court or tribunal; the records of Parliament and Electoral Commission; and records of any Local Authority or other authority established for local government purposes.

The Public Archives and Documentation Act (Cap.19), provides a broad and generalized legal framework under which policies, procedures, regulations, rules and good practices can be developed for the better management of personnel records within the public service.

Section 15(c) and (d) empowers the Minister to make regulations generally for the better carrying out of the purposes of the Act, particularly the regulations providing for the responsibilities of persons having the custody of public records and for the examination, disposal or destruction of public archives and public records. This section can be used to put in guidelines for the management of personnel records and especially so in the area of issuance of General Records Retention and Disposal Schedules. Guidelines for the retention and disposal of personnel records are usually documented in such tools.

Government financial regulations Chapter 23; miscellaneous accounting matters, 1989

The disposal of accounting records is governed by financial orders issued by the government.

Sections 26 and 27 authorize accounting officers to destroy certain financial records after agreed retention periods. However, no records that are subject to audit queries may be destroyed under these financial orders. Certain financial records with archival value are supposed to be preserved. Section 23.4 provides considerations for the preservation of accountable documents, books and records as follows; where they may be of value to the National Archives if they are likely to be needed for pension purposes (e.g. salary records).

Other legislations that affect the retention and disposition of personnel records are laws relevant to the hiring of workers in the country. Some of these are outlined below, highlighting the various sections that impact on records keeping requirements.

The employment act Chapter 226 revised 1977 and 2007, laws of Kenya

Various parts and sections of this Act (Part IX) spell out the kind of records to be kept by the employer. Among them are written records of all employees under contract and should contain particulars such as policy statement, rest days, annual leave, maternity leave, sick leave, house allowance paid and food rations. Additionally, an employer should permit an authorized officer who may require him/her to produce for inspection the records for any period relating to the preceding 36 months. Other clauses in the Act touch on aspects of secrecy of the information (disclosure to unauthorized persons) and the falsification of personnel records. However, noticeable omissions in the Act include specific disposal guidelines for these records.

The regulation of wages and conditions of employment act Chapter 229, laws of Kenya

Section 20 (1) on Records and Notices states that the employer of employees to whom this Act applies should keep in English such records as are necessary to show whether or not he is complying with the provisions of the wages regulations orders. Such records should be retained by the employer for a period of at least two years after the date of the last entry therein.

The service commission act Chapter 185 of 1967, laws of Kenya

The Act made provisions for the Public Service Commission and the Judicial Service Commission. Of importance in this Act is the assertion that the Commission may require the production of any official document relevant to any exercise of its functions and that any public officer who submits any matter before the consideration of the commission should ensure that all relevant documents and papers are made available to the commission. (Subsidiary Legislation; Public Service Commission Regulations Part II (2). This clause only highlights the importance of records in decision-making but does provide guidelines on the on long these records should be retained before being eventually disposed of.

Income tax act Chapter 470 revised 1989, laws of Kenya

The Income Tax Rules (P.A.Y.E) section 130, states that an employer could be called upon inspection the following categories of records:

All wage sheets, salary vouchers, and other books, documents and records whatever relating to the calculation or payment of the emoluments of his employees in respect of the years or months specified by the commissioner, or to the deduction of tax by references to those emoluments [...].

The national social security fund act chapter 258 revised 1989

Regulations under Sections 5 (3) and 8 (Registration Regulation No. 7 (2) stipulate that every contributing employer should keep a written record of the Fund membership number of each of his employees who is a contributing member.

Proposed freedom of information legislation of Kenya

The FOI Bill, 2007 of Kenya requires that every public and private body produce a regularly updated manual detailing their records systems and related contextual information. This is meant to provide citizens with information about the records in the custody of private and public bodies so that they know what is available for use. The Bill is dependent on good records management for its effective implementation. Section 26 (1) states that every public authority shall keep and maintain its records in a manner which facilitates the right to information as provided for in this Act. Section 26 (2) states that for one to qualify to have complied with the duty to keep and maintain records under subsection (1), every public authority shall; (The Freedom of Information Bill, 2007): Create and preserve such records as are necessary to document adequately its policies, decisions, procedures, transactions and other activities it undertakes pertinent to the implementation of its mandate; ensure that records in its custody, including those held in electronic form, are maintained in good order and condition; and within no more than three years from the date on which this Act comes into force, computerize its records and information management systems to facilitate more efficient access to information.

The bill makes it a requirement for public authorities to set up records management systems and procedures to facilitate the right access to information as it makes it a right for citizens to have access to information held or under the control of public authorities. The same right is extended to information held or under the control of a private body, where that information is necessary for enforcement or protection of any right.

National policy on records management

The Ministry of State for National Heritage and Culture through the Kenya National Archives and Documentation Service (KNADS) in collaboration with the Kenya Anti-Corruption Commission current Ethics and Anti-Corruption Commission are in the process

of developing a NPRM which is currently still a draft. According to the draft on NPRM (Draft on NPRM, 2008), the purpose of the policy is to provide guidance in the management of records from creation to disposal and to facilitate standardization in the application of procedures and practices in records and archives management. A sound NPRM will provide an accurate dissemination of information, efficient retrieval of information, appropriate storage equipment, formalized standards and procedures, appropriate retention and disposal strategies, high level of security and ensuring legislative and regulatory compliance among others. The policy, once promulgated, will provide a framework for efficient and effective creation, use, storage, maintenance, access and disposal of public records. It will enhance transparency, accountability and good governance in management in the public sector. A consultative workshop and forum with professionals and records management officers were conducted on the draft policy. Chachage and Ngulube (2006) argue that one of the major reasons for the business to keep records as they generate them during their daily business operations is to comply with legal requirements and to protect the stakeholders' rights.

Research methodology

The study was conducted using a descriptive design. This design ensures that data collected are analysed and findings are reported to establish a better understanding of a physical or social phenomenon (De Vaus, 2001). The descriptive design combined both qualitative and quantitative approaches where both qualitative and quantitative information was involved in the study. Bryman (2006) adds a number of reasons for combining quantitative and qualitative methods, which include triangulation or greater validity, offset, completeness, to answer different research questions, one method is used to explain the findings of the other, unexpected results, instrument development, one method is used to facilitate the sampling of respondents or cases, credibility, context, illustration, utility or improving the usefulness of findings, confirm or discover, diversity of views and enhancement or building upon quantitative/qualitative findings.

The quantitative method is not sufficient in the description, thus lacking in interpretation and therefore the need to combine it with the qualitative method. The mixed-method was also preferred as a way of corroborating results from both approaches.

According to Ngoako (2011), the data collection method is all about the procedures, techniques and tools used when collecting data from the sampled participants. Data was collected using questionnaires.

Questionnaires are appropriate for studies as they collect information that is not directly observable (Mellenberg, 2008; Franker, 2006). The questionnaire which included structured and semi-structured questions were used, it consisted of two sections where Section A was used to collect background information and Section B, collected data on the legal framework for personnel records management in support of accountability. Questionnaire method was used to collect data from Human Resource Management Officers (HRMO) (Directorates), Personnel Records Management Assistants (PRMA), Personnel records management Clerks (PRMC) and Subordinate Staff quickly and gives more freedom (in terms of time and flexibility) to the respondents. Questionnaires were administered to the PRMC in the 11 directorates to obtain their attitude/perceptions, opinion, comment and viewpoint about the personnel record management compliance with the legal framework that supports accountability. Data was collected on the legal framework for personnel records management in support of accountability at GCG.

Results and discussions

Response rate

The study distributed 88 questionnaires to the respondents, out of which 73 questionnaires were filled and returned thus 82.95% return rate, which was representative and sufficient to make generalizations. In a study by Kemoni and Ngulube (2008) on the relationship between records management, public service delivery and the attainment of the United Nations Millennium Development Goals in Kenya, 210 registry personnel were targeted and a response rate of 75% was obtained. The same study obtained an interview response rate of 53% among senior ministerial officers.

The current study obtained an overall questionnaire response rate of 82.95% as indicated in Table 1. According to Babbie and Mouton (2001), this rate of response is deemed very good. Table 1 shows the response rate from the questionnaires issued to PRMA, HRMO, PRMC and Subordinate staff.

From the response above, all of the PRMC answered the questionnaire and this is because they were each representing respective departments or sections. The PRMA were much involved in personnel records thus the 90.90% response rate. The findings also showed that 63.63% of the HRMO responded and this could be attributed to their busy schedule while others were not in the office by then.

Level of education

The study sought to establish the education level of respondents and the findings are as shown in Table 2.

Table 2 shows that 12 (16%) respondents were bachelor's degree holders, 27 (37%) respondents had a Diploma level of education, 4 (6%) had a master's degree while 30 (41%) had a certificate level of education (K.C.S.E.).

The study established that the academic qualifications of most respondents were not directly related to records management. Only the two PRMA had undertaken bachelor's degree in records and archives management, seven had diploma courses in records and archives management while some five PRMC had done a certificate course in records and archives management in government training institutions such as North Eastern National Polytechnic and Kenya Institute of Administration and the other 25 PRMC had only formed four certificates (K.C.S.E.). This indicated that the majority of the respondents at GCG were not trained to manage personnel records. Neither have they undergone professional training for records management they learn on the job. According to Yusof and Chell (1999) "education and training are essential elements in the lifelong development of skills and expertise". Ngulube (2001) argues against holding records personnel accountable when they are not trained, "since they would not have been empowered to do so". Preferably, records management training should be pursued in recognized training institutes or universities.

Table 1.
Response rate
(N = 73)

Respondents	Questionnaire issued	Returned	(%)	Not returned	(%)
PRMA	11	10	90.90	1	10.10
HRMO	11	7	63.63	4	27.27
PRMC	11	11	100.00	0	0.00
Subordinate staff	55	45	81.81	10	18.18
Total	88	73	82.95	15	17.05

Source: Field Data (2018)

Duration worked at the County

Respondents were asked to indicate the duration they had worked at the County and the findings are as shown in [Table 3](#).

The findings in [Table 3](#) indicate that over a half of the respondents have worked for over four years at the County. A total of 20 (28%) respondents had worked for a duration of between 1–3 years. This depicts that those who worked for 1–3 years are those who were newly employed for the second time, by the new Governor as he recruits his own people to the system the “Kenyan politics”; 23 (31%) respondents had worked for a duration of between 4–5 years while 30 (41%) of the respondents had worked for over 5 years implying that these are those who have served the two Governors as the kick of the County Governments from 2013 to date that is the 6th year now. It also appears that most of the respondents had worked for over 5 years in the civil service. This suggests that most of the respondents were well acquainted with the management of personnel records due to their long stay in service.

Legal frameworks for personnel records management

The study sought the views of the respondents on the availability of a policy on legal frameworks for personnel records management. The findings showed that there was a draft policy awaiting review and final approval, Lack of a policy signifies a lack of accountability and awareness of the personnel records management standards, meaning that the staffs are not aware of their responsibilities towards the management of the County’s records. This is therefore likely to contribute significantly to poor performance (Mampe and Kalusopa, 2012). This then puts the County in a precarious position regarding personnel records due to a lack of guidelines on classing and handling of personnel records. Lack of a policy also shows a lack of commitment in the area, purporting neglect, where responsibilities are not clearly assigned and remain unclear. Weak institutional capacity and the absence of comprehensive personnel records management policies have been cited as one of the main

Table 2.
Level of education
(*N* = 73)

Education level	Frequency	(%)
Masters/postgraduate	4 (not records related)	6
Bachelors	12 (2 records related)	16
Diploma	27 (7 records related)	37
Certificate	30 (K.C.S.E.)	41
<i>Total</i>	<i>73</i>	<i>100</i>

Source: Field Data (2018)

Table 3.
Duration worked at
the county (*N* = 73)

Duration	Frequency	(%)
1–3 Years	20	28
4–5 years	23	31
Above 5 years	30	41
<i>Total</i>	<i>73</i>	<i>100</i>

Source: Field Data (2018)

causes of archival (as well as records management) underdevelopment in Africa (Ngulube and Tafor, 2006).

Availability of a written records management policy.

The respondents (R 22 and R 55) were asked to state whether the County Government has a written records management policy with a larger percentage of 20 (92%) and 41 (75%), respectively, accepting that there is a draft policy awaiting review and final approval as is shown by Table 4.

Those respondents (R 22 and R 55) that responded to the availability of a written records management policy, the responses for the R 22, Yes were 20 (92%) respondents and for the R 55 responses were 41 (75%) respondents while for those who indicated No for the R 22, responses were 2 (8%) respondents and for the R 55, responses 14 (25%) respondents indicated No thus Yes responses taking the order of the day compared to No as shown in Table 4 above. Their responses are summarized in the words of two respondents one from HRMO and PRMA (R 22) and the other from subordinate staff (R55). This depicts that the GCG had a written personnel records management policy for the management of personnel records. The other responses from R 22, who were 2 (8%) respondents and from R 55, responses 14 (25%) respondents indicated that there was no written personnel records management policy for the management of personnel records. This indicates that the personnel records are managed by a written personnel records management policy, though a few 2 (8%) HRMO and PRMA are not aware of its existence while 14 (25%) of the subordinate staff were for the idea that their records are not managed with written personnel records management policy in place.

Aspects covered by the personnel records management policy. The study sought to find out the aspects covered by the draft personnel records management policy and the findings are as indicated in Table 5.

The respondents (R 22 and R 55) who responded to the aspects covered by the personnel records management policy and their responses were as shown in Table 5 above. Their responses are summarized in the words of two respondents one from HRMO and PRMA (R 22) and the other from subordinate staff (R55).

From the reactions of the existence of a draft policy, the staff indicated that it covered among other things: a policy statement of 20 (92%) respondents for R 22 responses and for R 55 responses 41 (75%) respondents. All the 22 (100%) respondents for R 22 responses indicated that the policy covered the scope while for R 55 responses from those indicated scopes were 41 (75%) respondents. Applicable legislation and procedures, mail management encompassing both incoming and outgoing mail recorded 22 (100%) respondents for R 22 responses while for R 55 responses from those indicated the policy covering mail management were 41 (75%) respondents, 20 (92%) respondents for R 22 responses indicated

Table 4.
Availability of a
written records
management policy
R 22 (N = 22) and for
R 55 (N = 55)

Respondents	Responses	Frequency	(%)
R 22	Yes	20	92%
	No	2	8%
Total		22	100
R 55	Yes	41	75%
	No	14	25%
Total		55	100

Source: Field Data (2018)

that the policy covered filing classification and for R 55 responses 41 (75%) respondents echoed filing classification, 22 (100%) respondents from R 22 responses indicated that the policy covered records retention and disposal while 55 (100%) respondents from R 55 responses recorded that the policy covered records retention and disposal and finally 20 (92%) respondents for R 22 responses indicated that the policy covered a statement of responsibilities and for R 55 responses 41 (75%) respondent, as well as indicated that the policy covered a statement of responsibilities. This depicts that GCG has a personnel records management policy and that all the respondents (R 22 and R 55) (HRMO, PRMA and Subordinate staff) are aware of it together with its contents and they are ready to be guided by it to them later.

Legal frameworks that personnel records management programme complies with. The study sought to find out the response of the legal frameworks that the personnel records management programme complies with and the findings are as indicated in Table 6.

Table 6 above shows the respondent's responses to the legal frameworks that the personnel records management programme complies with and their responses are summarized in the words of two respondents one from HRMO and PRMA (R 22) and the other from PRMC (R 11).

Findings revealed that all the 22 (100%) respondents for R 22 responses indicated that the personnel records management programme complies with the MSPS (DPM) Circular on

Table 5.
Aspects covered by
the personnel records
management policy
R 22 (N = 22) and for
R 55 (N = 55)

Responses	R 22 No.	(%)	R 55 No.	(%)
Policy statement	20	92	41	75
Scope	22	100	41	75
Definition of terms	22	100	55	100
Applicable acts and other legislations	20	92	55	100
Mail management (incoming and outgoing mail)	22	100	41	75
Filing classification system	20	92	41	75
Records retention and disposal	22	100	55	100
Statement of responsibilities	20	92	41	75

Source: Field Data (2018)

Table 6.
Legal frameworks
that personnel
records management
programme complies
with R 22 (N = 22)
and for R 11 (N = 11)

Responses	R 22 No.	(%)	R 11 No.	(%)
Public Archives and Documentation Service Act, Cap 19	20	92	8	75
Public Procurement and Disposal Act, 2005	22	100	8	75
Records Disposal Act, Cap 14	22	100	11	100
Departmental Records Classification and Retention Schedules	20	92	8	75
MSPS (DPM) Circular on Personnel Records – ref. No. DPM.12/6A Vol. I (71) of 12th March 2008	22	100	11	100
Records Management Procedures Manual for the Public Service May, 2010	20	92	8	75
Government Financial Regulations and Procedures, Chapter 23, section 4:2–5	22	100	11	100
Procurement Records Management Procedures Manual, December, 2008	20	92	8	75
ISO processes and procedures on Records Management e.g. ISO 15489; 9001:2008	20	92	8	75

Source: Field Data (2018)

Personnel Records – ref. No. DPM.12/6A Vol. I (71) of 12th March 2008 legal frameworks while for R 11 responses were 11 (100%) respondents. This depicts that both respondents were aware of the personnel records management circulars from the Ministry of State and Public service and they believed that it is well used in managing personnel records at GCG.

Responses for (R 22 and R 11) also indicated that the GCG complies with the Government Financial Regulations and Procedures, Chapter 23, section 4:2–5 legal frameworks by 22 (100%) respondents while for R 11 responses were 11 (100%) respondents. This implies that the Government Financial Regulations and Procedures, Chapter 23, section 4:2–5 give guidelines on the retention period for financial records. The personnel records management programme's compliance to this procedure was a reality among 100% by both of the respondents and it appeared not to 0% to both of the respondents, this also indicates that both respondents unanimously concurred that the Government Financial Regulations and Procedures, Chapter 23, section 4:2–5 legal frameworks were implemented in GCG's personnel records management programme.

It was revealed that all the 22 (100%) respondents for R 22 responses indicated that the personnel records management programme complies with the Records Disposal Act, Cap 14 legal frameworks while for R 11 responses were 11 (100%) respondents supported that GCG's personnel records management programme complies with the Records Disposal Act, Cap 14 legal frameworks. This depicts that all the public records are managed and disposed of under the Records Disposal Act, Cap 14 Laws of Kenya which guides on which records to destroy and which to retain.

The findings also indicated that the GCG personnel records management programme complies with the Public Archives and Documentation Service Act, Cap 19 for R 22 responses by 20 (92%) respondents while for R 11 responses were 8 (75%) respondents. This implies that personnel records management in Kenya operates under the framework and guidance of the KNADS which is supported by the Public Archives and Documentation Services Act, Cap 19. Besides Cap 19, of 1965 of the Laws of Kenya, there are also various legislations that support the management of records in Kenya.

Out of 22 respondents, 20 (92%) from R 22 responses concurred that personnel records management in GCG complies with the Records Management Procedures Manual for the Public Service, May 2010 legal frameworks. This implies that the Records Management Procedure Manual for the Public Service, May 2010 was issued as a guide to records management practice among the Government of Kenya bodies. The manual was prepared by the MSPS in consultation with the KNADS to provide guidelines and procedures to be followed in the day to day management of records in the public service. It is meant to be used alongside existing laws and legislation governing records management in the service. This manual has been partly adopted by GCG in its personnel records management programme as indicated for R 22 responses by 20 (92%) respondents while for R 11 responses were 8 (75%) respondents but disputed by 2 (8%) respondents for R 22 and 3 (25%) respondents for R 11 responses. The 2 (8%) and 3 (25%) respondents' responses were mainly due to the fact that the manual has not been fully implemented. The effective utilization of the manual as stated by the Ministry is to contribute towards the government's quest to achieve good governance and accountability in the Public Service. Adherence to the Manual is also meant to streamline personnel records management practice leading to effectiveness and efficiency in service delivery.

The Procurement Manual's application in the management of personnel records at GCG was known to R 22 responses by 20 (92%) respondents while for R 11 responses were 8 (75%) respondents and not known to 2 (8%) respondents for R 22 and 3 (25%) respondents

for R 11 responses. This can be attributed to the procurement processes in the County and may not necessarily relate to the personnel records.

From R 22 responses study revealed that 20 (92%) respondents indicated that GCG complies with ISO processes and procedures on Records Management e.g. ISO 15489; 9001:2008 while for R 11 responses were 8 (75%) respondents concurring on the same compliance. The explanation behind this is that GCG being an ISO 9001:2008 certified government, must have met the requirements for certification and thus the general assumption of the standards applicability. Complying with all the above legal frameworks will ensure that personnel records management in support of accountability at GCG is achieved.

Summary of the findings

From the findings, lack of a policy signifies a lack of accountability and awareness of the personnel records management standards, meaning that the staffs are not aware of their responsibilities towards the management of the County's records. This is therefore likely to contribute significantly to poor performance (Mampe and Kalusopa, 2012). This then puts the County in a precarious position regarding personnel records due to a lack of guidelines on classing and handling of personnel records. Lack of a policy also shows a lack of commitment in the area, purporting neglect, where responsibilities are not clearly assigned and remain unclear. Weak institutional capacity and the absence of, for example, comprehensive personnel records management policies have been cited as one of the main causes of archival (as well as records management) underdevelopment in Africa (Ngulube and Tafor, 2006).

From the reactions of the existence of a draft policy, the staff indicated that it covered among other things: a policy statement, scope, definition of terms, applicable legislation and procedures, mail management encompassing both incoming and outgoing mail, filing classification, retention and disposal, as well as a statement of responsibilities.

The study revealed that: personnel records management in Kenya operates under the framework and guidance of the KNADS which is supported by the Public Archives and Documentation Services Act, Cap 19. Besides the Cap 19, of 1965 of the Laws of Kenya, there are also various legislations that support the management of records in Kenya including the MSPS (DPM) Circular on personnel records reference number DPM. 12/6A Vol. I (71) of 12th March 2008, the Records Management Procedure Manual for the Public Service, May 2010, prepared by the MSPS in consultation with the Kenya Archives and Documentation Services to provide guidelines and procedures to be followed in the day to day management of records in the public service. It is meant to be used alongside existing laws and legislation governing records management in the service. The effective utilization of the manual as stated by the Ministry is to contribute towards the government's quest to achieve good governance and accountability in the Public Service.

Adherence to the manual is also meant to streamline personnel records management practice leading to effectiveness and efficiency in service delivery and the Government Financial Regulations and Procedures, Chapter 23, section 4:2-5 give guidelines on the retention period for financial records.

The management of personnel records is guided by various legislations and circulars such as the Public Archives and Documentation Service Act, (Cap.19, Laws of Kenya) revised 1991, The Employment Act Chapter 226, revised in 1977 and 2007, The Regulation of Wages and Conditions of Employment Act Chapter 229, Income Tax Act Chapter 470 revised 1989, The National Social Security Fund Act Chapter 258 revised 1989, The Service Commission Act Chapter 185 of 1967 and DPM.12/6A VOL. I (71) dated 12th March 2008 on

the destruction of personnel records. Compliance with all the above legal frameworks will ensure that personnel records management in support of accountability at GCG is achieved.

Conclusion

This study provides an insight into the legal frameworks' situation in many County Governments in Kenya. Though an important area, a lot of neglect is evidenced from the priority given to it. It is apparent that legal frameworks are the foundation of any organization's programmes and activities to facilitate sound decisions and actions. Legal frameworks are very important resources for an organization's transactions.

Personnel records are a valuable corporate asset that, by their retention and re-use as evidence of accountability and business activity, can improve both the efficiency and effectiveness of the County Government. The length of time personnel records should be kept can vary enormously and is subject to a raft of guidelines and policies, including County Government policy, government legislation and codes of good practice.

The findings showed that most of the respondents were aware of the legal framework for managing personnel records and cited the Public Archives and Documentation Service Act, (Cap.19, Laws of Kenya) and DPM.12/6A VOL. I (71) dated 12th March 2008 on the destruction of personnel records.

Lack of a policy signifies a lack of accountability and awareness of the personnel records management standards, meaning that the staffs are not aware of their responsibilities towards the management of the County's records. This is therefore likely to contribute significantly to poor performance. This then puts the County in a precarious position regarding personnel records due to a lack of guidelines on classing and handling of personnel records. Lack of a policy also shows a lack of commitment in the area, purporting neglect, where responsibilities are not clearly assigned and remain unclear. Weak institutional capacity and the absence of, for example, comprehensive personnel records management policies the main causes of archival (as well as records management) underdevelopment in Africa.

Further findings of the study revealed that a draft policy covered among other things: a policy statement, scope, definition of terms, applicable legislation and procedures, mail management encompassing both incoming and outgoing mail, filing classification, retention and disposal and a statement of responsibilities. From the findings it can be concluded that personnel records management in Kenya operates under the framework and guidance of the KNADS which is supported by the Public Archives and Documentation Services Act, Cap 19 besides the Cap 19, of 1965 of the Laws of Kenya.

Research findings revealed that there are also various legislations that support the management of records in Kenya including the MSPS (DPM) Circular on personnel records reference number DPM. 12/6 A Vol. I (71) of 12th March 2008, the Records Management Procedure Manual for the Public Service, May 2010, prepared by the MSPS in consultation with the KNADS to provide guidelines and procedures to be followed in the day to day management of records in the public service. It is meant to be used alongside existing laws and legislation governing records management in the service. The effective utilization of the manual as stated by the Ministry is to contribute towards the government's quest to achieve good governance and accountability in the Public Service. Adherence to the manual is also meant to streamline personnel records management practice leading to effectiveness and efficiency in service delivery and the Government Financial Regulations and Procedures, chapter 23, section 4: 2-5 give guidelines on the retention period for financial records.

Based on the study findings, it can be concluded that the management of personnel records is guided by various legislations and circulars such as the Public Archives and

Documentation Service Act, (Cap.19, Laws of Kenya) revised 1991, The Employment Act Chapter 226, revised in 1977 and 2007, The Regulation of Wages and Conditions of Employment Act Chapter 229, Income Tax Act Chapter 470 revised 1989, The National Social Security Fund Act Chapter 258 revised 1989, The Service Commission Act Chapter 185 of 1967 and DPM.12/6A VOL. I (71) dated 12th March 2008 on the destruction of personnel records and GCG has to comply with all the above legal frameworks to ensure that personnel records management supports accountability.

Recommendations

It is essential for GCG within Directorate/Department(s) and Ministries levels to develop sound personnel records management programs that are grounded in thoughtful and accountable policies and procedures that will match with the currently introduced personnel records management methods. This will inform staff, HRMO of Departments: as to understand of what is a personnel record; which personnel records are open to the public and which are confidential; and maintain personnel records; and how to dispose of personnel records properly.

It is important for GCG to have formal policies to facilitate personnel records management. The following are recommendations to GCG on policy and legal framework for personnel records management in support of accountability:

Control of personnel records

It is important to establish a physical and intellectual control over the personnel records so that the County Government knows what personnel records it has, where they are and what has happened to them. Using control processes, personnel records can be found and used in support of accountability objectives and on policy and legal frameworks set.

Maintenance of personnel records

Maintaining personnel records covers the range of processes and tasks for protecting personnel records from unauthorized access, loss or destruction, theft or disaster and protecting their integrity over time. It also covers making them accessible for as long as they are needed as evidence of accountability activities, particularly important for electronic personnel records. With all these regulated by a policy and legal frameworks of the County Government HRM systems.

Access to personnel records

Managing access to personnel records involves making them accessible and useable to users within and outside the County, implementing access rules and also access restrictions where necessary, in regard to laid down policy and legal frameworks. Managing access: identifying and administering requirements to make personnel records accessible or to protect them from unauthorized access because of security, privacy or other restrictions.

Implement personnel records management processes

The newly established personnel records management should start at Directorate/ Departmental and Ministry level, to Head Quarter and be well implemented. If there is a plan to establish other system(s), the move should be the same.

Disposal of personnel records

There should be systematic principles that will guide disposal of personnel records.

Making of personnel records

People and County Governments need to make personnel records that document the accountability decisions they have made and actions that have been taken.

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Appendix 1. Questionnaire to HRMO and PRMA

SECTION A: Background information

1. Indicate highest level of education attained

- ☐ Secondary ☐ Certificate
☐ Diploma ☐ Undergraduate
☐ Masters/postgraduate ☐ Any other qualification

2. Duration worked in this County?

- ☐ 1 - 3 Years ☐ 4 - 5 years ☐ Above 5 years

SECTION B: Policy and legal framework for personnel records management

3. a) Does your County have a written records management policy?

YES	
NO	

b) What aspects are covered in this policy?

Policy statement	
Scope	
Definition of terms	
Applicable Acts and other legislations	
Mail management (incoming and outgoing mail)	
Filing classification system	
Records retention and disposal	
Statement of responsibilities	

4. Indicate the legal frameworks that personnel records management programme complies with.

Public Archives and Documentation Service Act, Cap. 19	
Public Procurement and Disposal Act, 2005	
Records Disposal Act, Cap 14	
Departmental Records Classification and Retention Schedules	
Ministry of State for Public Service (DPM) Circular on Personnel Records - ref. No. DPM.12/6AVol. I (71) of 12th March 2008	

(continued)

-
5. What is the importance of policy and legal frameworks in the successful:
- i. Creation.....
.....
 - ii. Processing.....
.....
 - iii. Storing.....
.....
 - iv. Preserving of personnel records.....
.....

Appendix 2. Questionnaire to PRMC

SECTION A: Background information

1. a) Indicate highest level of education attained

- ☐ Secondary ☐ Certificate
☐ Diploma ☐ Undergraduate
☐ Masters/postgraduate ☐ Any other qualification

b) Duration worked in this County?

- ☐ 1 - 3 Years ☐ 4 – 5 years ☐ Above 5 years

SECTION B: Policy and legal frameworks for personnel records management

2. Indicate the legislations and other regulatory frameworks that the records management programme complies with.

Public Archives and Documentation Service Act, Cap. 19	
Public Procurement and Disposal Act, 2005	
Records Disposal Act, Cap 14	
Departmental Records Classification and Retention Schedules	
Ministry of State for Public Service (DPM) Circular on Personnel Records - ref. No. DPM.12/6AVol. I (71) of 12th March 2008	
Records Management Procedures Manual for the Public Service May, 2010	
Government Financial Regulations and Procedures, Chapter 23, section 4:2-5	
Procurement Records Management Procedures Manual, December, 2008	
ISO processes and procedures on Records Management e.g. ISO 15489; 9001:2008	

Appendix 3. Questionnaire to subordinate staff

SECTION A: Background information

1. a) Please indicate highest level of education attained

Secondary	
Certificate	
Diploma	
Undergraduate	
Masters/postgraduate	

SECTION B: Policy and legal frameworks for personnel records management

2.a) Does your County have a written records management policy?

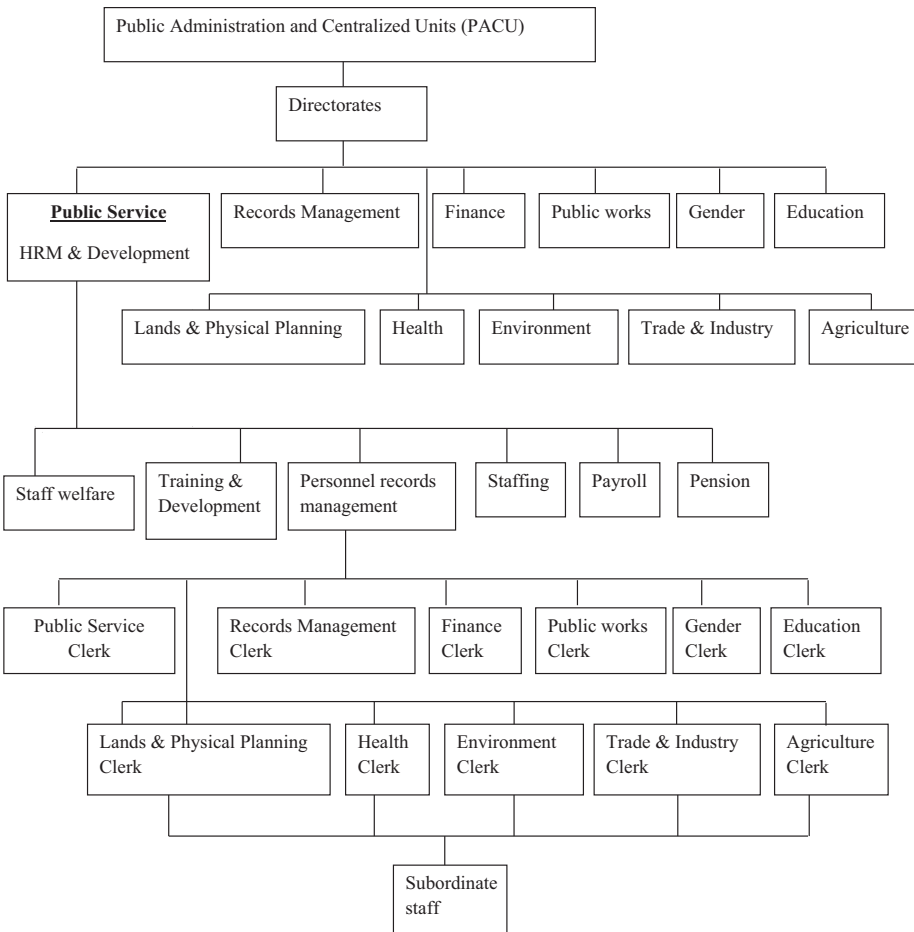
YES	
NO	

b) What aspects are covered in this policy?

Policy statement	
Scope	
Definition of terms	
Applicable Acts and other legislations	
Mail management (incoming and outgoing mail)	
Filing classification system	
Records retention and disposal	
Statement of responsibilities	

Thank you very much for your support and contribution

Appendix 4. Organizational chart for GCG directorates under study



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