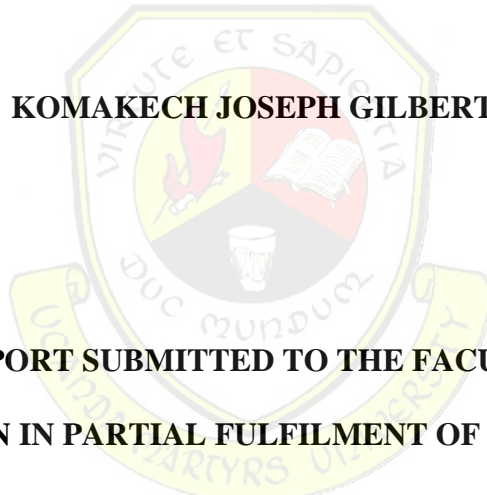


**CONTRIBUTION OF RECORDS MANAGEMENT IN THE ADMINISTRATION OF  
JUSTICE IN UGANDA**

**CASE STUDY: DPP, POLICE DEPARTMENT AND MAGISTRATES COURT- HOIMA  
DISTRICT**

**BY**

**KOMAKECH JOSEPH GILBERT**



**A RESEARCH REPORT SUBMITTED TO THE FACULTY OF BUSINESS  
ADMINISTRATION IN PARTIAL FULFILMENT OF THE REQUIREMENT  
FOR AWARD OF A BACHELORS DEGREE OF BUSINESS**

**ADMINISTRATION OF UGANDA**

**MARTYRS UNIVERSITY**

**JULY 2014**

## **DEDICATION**

This piece of work is dedicated to my wonderful and supportive mother Ms. Mukarurangwa Philomena, my brothers and sisters the late Albert Latim, Eric, Robinah, Betty and Lydia, my friends JJ, Sam, Pesh for their continued support and courage throughout my time at Uganda Martyrs University. In a special way I also dedicate this piece of work to my dear tutors/lecturers who have been there for me and guided me during my time with the University.

A big thank you to all!

## **ACKNOWLEDGEMENT**

I would like to express my utmost and sincere gratitude to my beloved mummy, brothers and my sisters who made it comfortable for me at University by providing all required necessities from love, advice and finances. I'd like to give thanks to my friends who chipped in whenever they were called for and always kept me going and never gave me reason to give up. A big thank you to the Late Albert Latim my brother who always gave me tips on how to succeed and go about life and its challenges.

In a special way I would like to thank my supervisor Mr. Muyomba Simon Peter for his guidance and availability whenever needed during and after this research.

Uganda martyrs university as an institute, for excellent academic discipline that has made me what I am. Thank you to the Nkozi community as well for their contribution towards my education. The faculty dean, associate dean, the administrators and the university staff both teaching and non teaching staff for continued encouragement which made me go through my studies successfully.

Finally, thanks to the staff of the DPP's office, police departments and the magistrates court in Hoima for their collaboration and time during my research.

God bless you all

## **LIST OF ABBREVIATIONS**

|              |   |
|--------------|---|
| I.R.M.T..... | International Records Management Trust              |
| D.P.P.....   | Directorate of Public Prosecutions                  |
| C.I.D.....   | Criminal Investigation Department                   |
| SAPs.....    | Structural Adjustment Programs                      |
| WB.....      | World Bank  |
| IMF.....     | International Monetary Fund                         |
| RIM.....     | Records and Information Management                  |
| ICTs.....    | Information Communication Technologies              |
| CUETA.....   | The Connecticut Uniform Electronic Transactions act |
| SPSS.....    | Statistical Package for Social Scientists           |

## TABLE OF CONTENTS

|   |          |
|---|----------|
| DECLARATION .....   | i        |
| APPROVAL .....  | ii       |
| DEDICATION .....  | iii      |
| ACKNOWLEDGEMENT .....   | iv       |
| LIST OF ABBREVIATIONS.....  | v        |
| TABLE OF CONTENTS.....  | vi       |
| ABSTRACT.....   | ix       |
| <br>  |          |
| <b>CHAPTER ONE .....</b>  | <b>1</b> |
| GENERAL INTRODUCTION.....   | 1        |
| 1.1 Background of the Study .....   | 1        |
| 1.1 Statement of the problem .....  | 3        |
| 1.2 Objectives of the study.....  | 3        |
| 1.2.1General objective .....  | 3        |
| 1.2.2 Specific objectives .....   | 3        |
| 1.3 Research questions.....   | 4        |
| 1.4 Scope of the study.....   | 4        |
| 1.5 Significance of the study.....  | 4        |
| 1.6 Conceptual framework.....   | 6        |
| <br>  |          |
| <b>CHAPTER TWO .....</b>  | <b>7</b> |
| LITERATURE REVIEW .....   | 7        |
| 2.1 Introduction.....   | 7        |
| 2.2 Factors affecting the effective management of legal records during the process of justice<br>administration .....     | 7        |
| 2.3 Problems associated with records and information management in legal institutions when<br>administering justice ..... | 11       |
| 2.4Types, creation, distribution, maintenance and disposition of records.....   | 18       |
| 2.4.1 Types of records.....   | 19       |

|  |           |
|--|-----------|
| 2.4.2 Creation of Records .....  | 22        |
| 2.4.3 Distribution .....   | 23        |
| 2.4.4 Use .....  | 23        |
| 2.4.5 Maintenance .....  | 24        |
| 2.4.6 Disposition .....  | 26        |
| <br>   |           |
| <b>CHAPTER THREE .....</b>   | <b>29</b> |
| <b>METHODOLOGY .....</b>   | <b>29</b> |
| 3.1 Introduction.....  | 29        |
| 3.2 Research design .....  | 29        |
| 3.3 Study population .....   | 29        |
| 3.4 Sample size .....  | 30        |
| 3.5 Sampling techniques .....  | 30        |
| 3.6 Data collection methods and tools. ....  | 30        |
| 3.6.1 Questionnaire .....  | 30        |
| 3.6.2 Interview Guide .....  | 31        |
| 3.7 Data analysis and presentation.....  | 31        |
| 3.7.1 Qualitative data analysis – in depth interview from key informants were transcribed after 31 |           |
| 3.7.2 Quantitative data analysis - the questionnaires were numbered and sorted first before .....  | 31        |
| 3.8 Validity and reliability .....   | 31        |
| 3.9 Ethical considerations .....   | 32        |
| 3.10 Limitations of the study .....  | 32        |
| <br>   |           |
| <b>CHAPTER FOUR.....</b>   | <b>33</b> |
| <b>DATA ANALYSIS, RESULTS PRESENTATION, AND INTERPRETATION OF FINDINGS .....</b>                   | <b>33</b> |
| 4.1 Introduction.....  | 33        |
| 4.2 Background Characteristics .....   | 33        |
| 4.2.1 Distribution by Gender .....   | 34        |
| 4.2.2 Age Group distribution .....   | 35        |

|  |           |
|--|-----------|
| 4.3.3 Marital status of the respondents .....  | 36        |
| 4.2.4 Academic Qualification of the respondents .....                                      | 37        |
| 4.3 factors affecting the effective management of legal records .....                      | 38        |
| 4.4 Problems associated with records and information management .....                      | 41        |
| 4.5 The types of records; their creation, distributions, maintenance and disposition. .... | 44        |
| <br>   |           |
| <b>CHAPTER FIVE .....</b>  | <b>50</b> |
| <b>SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....</b>                                       | <b>50</b> |
| 5.1 Introduction.....  | 50        |
| 5.2 Summary of the findings.....   | 50        |
| 5.3 Conclusions.....   | 50        |
| 5.4 Recommendations.....   | 51        |
| 5.5 Areas for further study.....   | 51        |
| References.....  | 51        |
| <b>QUESTIONNAIRE .....</b>   | <b>54</b> |

## LIST OF TABLES

|  |    |
|--|----|
| Table 1 showing the age groups of the respondents .....  | 35 |
| Table 2: factors affecting the effective management of legal records .....   | 38 |
| Table 3: How are records accessed in you section .....   | 45 |
| Table 4 showing when the records are disposed off .....  | 47 |
| Table 5 showing whether the organization established and maintained documented procedures to control documents ..... | 48 |



## LIST OF FIGURES

|   |    |
|---|----|
| Fig.1 showing the conceptual framework on the contribution of records management in administration of justice in Uganda .....         | 6  |
| Figure 1: Showing the gender distribution of the respondents .....  | 34 |
| Figure 2 Showing marital statuses of the respondents.....   | 36 |
| Figure 3 showing the academic qualification of the respondents .....  | 37 |
| Figure 4: showing the problems associated with records and information management .....   | 41 |
| Figure 5 showing how are records stored .....   | 44 |
| Figure 6 showing how records are distributed within the organization.....   | 46 |
| Figure 7 showing whether records and their management plays a great deal in the careful handling and running of an organization ..... | 49 |

## **ABSTRACT**

The main purpose of the study was to assess the contribution of Records management in the administration of justice in Uganda. The study was guided by the following objectives: to establish factors affecting the effective management of legal records, to identify problems associated with records and information management in judiciary institutions and to establish the types of records, their creation, distributions, maintenance and disposition. The study was carried on using a detailed literature review thereby analyzing what various authors have written about the topic. This was done by looking into different books. Data was collected using a self administered questionnaire, and interviews. The study was conducted using 100 respondents who included 30 internal users, 40 records staff selected from the above departments, 20 respondents from the general public and 10 respondents were selected as key informants. The results from the findings indicated that majority of the respondents were females in the institutions and were in the age group between 31 - 50yearswho were married. The results indicated that efficient & enhanced services to the intended users and bureaucracy in accessing the legal record are factors that affect record management, lack of proper storage facilities; corruption and fraud in the record management system are among the major challenges facing record management. Most records are managed both electronically and manual and that record management plays a great role in careful handling and running of an organization. Finally, a number of recommendations were suggested such as the organizations need to have an overall improvement in the human capacity through trainings and workshop to equip them with skills and that organizational leaders need to invest strategically in the developing

## **CHAPTER ONE**

### **GENERAL INTRODUCTION**

#### **1.1 Background of the Study**

The Uganda Public Service Reform Programme was introduced in 1992 to address the problems of oversized, inefficient, ill-equipped, grossly underpaid, demoralized, un-motivated, uncommitted and unresponsive public service brought about the harsh rule and regime of the 1970s and early 1980s (Public Service Review and Re-organization Report; 1990). The Ministry of public service adds that the above situation undermined the capacity of the public service to develop policies, draft and implement laws, manage the systems defined by laws, provide services and manage expenditure.

Balata (1990) adds that the mismanagement of the public service in the 1970s and 1980s affected records management in the public service. He argues that there was neglect of training, rapid turn over of records staff, absence of appropriate legal framework for the destruction of records, outdated procedures, inadequate physical facilities and low status and attention paid to the records management task. He adds that vital correspondences got lost, Senior Officers spent excessive time storing their own records or searching for documents which in turn lowered their efficiency and credibility.

Management of legal records is primarily concerned with the operational records of three specific aspects of the legal service i.e. the courts of law, police force and the Directorate of Public Prosecutions (IRMT, 1999). The government of Uganda and its development partners initiated programs to improve records management in the public service. However, management of legal records is still in a pathetic state leading to the delay in administering justice or justice not to be prevailed at all. Corruption among some judicial officers, and the police, poor

remuneration of judicial and police officers, lack of enough knowledge in records automation, are some of the challenges affecting Records management.

In the Judiciary, one of the objectives is to improve record keeping and information management within and across justice agencies (Kerrigan, and Moller, 2010). Among other things, the various institutions are supposed to be equipped registries with modern records storage equipment. Despite the fact that management in court registries are still in a deplorable state, incidences about court files or records missing, mutilated, stolen, hidden or being misfiled are still a common feature. Case records are still not produced on time when needed by the court justices; as a result adjournments are the order of the day; accused persons are still being incarcerated without trial because case records cannot be found, criminal cases are discontinued and dangerous criminals are set free because case files or records have been lost; and the innocent have been jailed and denied justice because evidence has been tempered with (Kerrigan, Matakala, and Moller, 2010).

Since 1988, the Government of Uganda has in collaboration with the World Bank and the British Council, been trying to improve records management in the Uganda public service. The registries have been refurbished and equipped, records staff has been trained and records users sensitized, records management manuals have been prepared and a records consultancy unit was established in the ministry of public service to provide consultancy services to all government departments. Above all the Government enacted the National Records and Archives Act in 2001, as a law to enforce and government records management practices in Uganda.

## **1.1 Statement of the problem**

The government of Uganda established a partnership with the World Bank and the British government to improve records management in the public service including the Judiciary and the police. Records staffs have been trained, registries are equipped with facilities, many records management manuals have been published and distributed to various departments including the police and judiciary.

Although the above facilities and services have been put in place by the government of Uganda, records management in legal related institutions is still in a pathetic state. Files are misplaced, mutilated and stolen.

Records are not produced at the right time when required in the courts of law for justice to prevail leading justice either to be denied or delayed and violating article 28 of the Constitution of Uganda which states that “in the determination of Civil Rights and obligations or any Criminal charges, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law”.

## **1.2 Objectives of the study**

### **1.2.1 General objective**

To assess the contribution of Records management in the administration of justice in Uganda

### **1.2.2 Specific objectives**

- i. To establish factors affecting the effective management of legal records.
- ii. To identify problems associated with records and information management in judiciary institutions in Hoima District.

- iii. To establish the types of records, their creation, distributions, maintenance and disposition.

### **1.3 Research questions**

- i. What are the factors affecting the effective management of legal records during justice administration?
- ii. What are the problems associated with records and information management when administering justice in judiciary institutions in Hoima District?
- iii. What is the contribution of records management in the dispensation of justice in Uganda?

### **1.4 Scope of the study**

The study considers the contribution of records management in the dispensation of justice in the DPP, C.I.D and the magistrate's court in Uganda. The study had particular focus on legal related institutions that is; Directorate of Public Prosecutions (DPP), Criminal Investigation Department (CID) within the police force and Magistrates Court in the district of Hoima located in Hoima is located in western Uganda because they are among the major judiciary institutions in Hoima Districts which embrace records management in their dispensation of justice. The study will consider a period of 2 years that is from 2012 – 2014 because this period is enough to equip the researcher with relevant data and information regarding the topic under investigation.

### **1.5 Significance of the study**

The research is vital as because it will provide information about the contribution of records management in administration of justice in Uganda. It will also assist the stake holders and policy makers identify the possible maleness, strength and opportunities of improving records

management in the legal related institutions that is; Directorate of Public Prosecutions (DPP), Criminal Investigation Department (CID) within the police force and Magistrates Court in the district of Hoima District.





## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter reviews the related literature on the contribution of records management in the administration of justice in Uganda. The review will be focused on the major themes of the study that is; the factors affecting the effective management of legal records, the problems associated with records and information management in judiciary institutions and the types of legal records, their creation, distributions, maintenance and disposition

#### **2.2 Factors affecting the effective management of legal records during the process of justice administration**

Records management is the practice of maintaining the records of an organization from the time they are created up to their eventual disposal. This may include classifying, storing, securing, and destruction (or in some cases, archival preservation) of records. A record can be either a tangible object or digital information: for example, birth certificates, medical x-rays, office documents, databases, application data and e-mail. Records management is primarily concerned with the evidence of an organization's activities, and is usually applied according to the value of the records rather than their physical format.

Failure to maintain legal records for the period of time necessary to meet accountability of recordkeeping requirements can contribute to the loss of accountability and corporate memory within the institutions. Records are the corporate asset of the organisation, they do not belong to individuals and it is important that they be available to all officers who need them (Mukembo, 2004).

Records are fundamental to the efficient and effective operation of the legal system of a country and perhaps are even more crucial to the administration of law than to any other function of the public sector. Not only are current records in daily use for legal reasons, but records of previous actions are also routinely retrieved and used by a range of legal agencies. If the police force cannot find the previous records of a habitual criminal before he or she is brought to trial, the criminal may be sentenced as a first-time offender, possibly endangering the public in future when he or she is free to reoffend. Similarly, if court staff cannot locate the case papers relating to a trial, an appeal against conviction may be delayed, even indefinitely, and justice may not be done to a citizen who was wrongly convicted

Informational technology; Buckland, (1992) points out that the key purpose to any record management centres is to provide quality service by making access to information easy and this is only when computers information networks and software applications are put in place so in brief if justice institutions don't have this kind of arrangement then this makes it easier for information to get lost or even misplaced

The International Records Management Trust (IRMT, 1999) adds that when records are not produced at the right time, a fair judgment is denied on both the side of the offender and the government. It asserts that it becomes very difficult for the court to make a judgment or a decision, making the public to lose faith in its government if reliable records are not maintained (IRMT, 1999).

Kerrigan, (2010) notes that records are essential to the effective and productive functioning of private and public organizations. Records document the decisions and activities of governments

and private institutions, and serve as a benchmark by which future activities and decisions are measured. They document fundamental rights and obligations, and differentiate the rule of law in business from business misconduct a good example in this case is importation that needs documented and legal proof that a product/service came into a country legally or otherwise it will be termed as smuggling (Olupot & Milton 2003). Without records there can be no rule of law and no accountability. Without good records, officials are forced to take decisions on an ad hoc basis without the benefit of an institutional memory. Fraud cannot be proven, meaningful audits cannot be carried out, and government actions are not open to review. In addition, the people of the government cannot make an informed contribution to the governance process or claim their rights.

Corruption and fraud; Lack of records management is directly linked to the persistence of corruption and fraud. Experts in financial management and control recognize that well-managed record systems are vital to the success of most anti-corruption strategies. Records provide verifiable evidence of fraud and can lead investigators to the root of corruption. Well-managed records can act as a cost effective restraint. On the whole, prevention is much cheaper than prosecution (Kemoni & Ngulube, 2008).

Transparency, accountability and good governance are also vital factors that affect effective management of legal records. All of the elements for effective development depend upon an effective records management infrastructure. Without a records management infrastructure, governments and organizations are incapable of effectively managing current operations, and have no ability to use the experience of the past for guidance. Records are inextricably entwined with increased transparency, accountability and good governance (Wangolo, 1995).

Reliability and systematic; recordkeeping and management systems operate in such a way that the records retrieved from it are credible and authoritative, that is, they are what they purport to be. Procedures, guidelines and tools for recordkeeping should be tested regularly for reliability, and recordkeeping systems should operate routinely and be audited and checked regularly. Additionally, recordkeeping practices be systematised through the design and operation of recordkeeping systems and of business systems and processes which incorporate recordkeeping. This calls for all records to be captured and maintained in recordkeeping systems (Wamukoya, 2007).

Adequacy and accuracy; Record must be adequate to the extent necessary to facilitate action by employees and their successors, make possible a proper scrutiny of business by those authorised, and to protect the financial, legal and other rights of the organisation and anyone affected by its actions or decisions. Record managers need to identify and document what constitutes adequate evidence, which will depend on the purpose of the record. Additionally, recordkeeping procedures and practices have to be designed to ensure that a record correctly reflects what has occurred (Thomas, 1993).

Musembi (2005) points out that poor records management at courts of law may result in compromising the administration of justice. He further reasons that the success or failure of nearly every court function (such as case processing, statistical reporting, dispute resolution, personnel and financial management) will be evidenced by the proper or improper control of its records. Thurston (2005) argues that dysfunctional records management undermines legal and judiciary reform.

Privacy, Access and Record Keeping; the right of the public to access records is closely tied to the legal and political notions of the sovereignty of the people. Another ‘right’ that has emerged is that of privacy. A record-keeping system within a legal environment should ensure information about individuals is maintained in a secure environment, so their privacy is not violated. At the same time, provision must be made to ensure that some personal information can be retained for evidential, informational or research reasons once it has served its original purpose

Negligence and Record Keeping; Record-keeping systems that provide evidence of consistent and routine procedures may protect a party in a negligence claim, by showing that proper procedures were followed throughout any particular process. It may be legal for a public body to destroy records that are beyond their statutory retention period, but a good record keeping system will ensure that evidence is retained as required to prove the organisation has acted appropriately (Wangolo, 1995).

### **2.3 Problems associated with records and information management in legal institutions when administering justice**

#### **Lack of Funding**

The Structural Adjustment Programs (SAPs) implemented by the IMF and the WB in the 1980’s were intended to move national industries from public sector to privatized industries as a means of pushing the countries into the thoroughly capital economy of the West. Unfortunately, SAPs have been shown to have actually increased poverty, decreased country wealth, and negatively affected the economies of the countries that the implementing foundations were trying to help.

Although this has led to some impatience with efforts to provide funding, these foundations are moving towards realizing that certain public service departments are necessary.

The fact that there are numerous development papers and outcries at the thought of development money going to pay civil service employees to process records means that it is especially necessary to know why RIM is so important to the establishment and development of a nation. Kargbo cites sceptics' argument that nations such as Sierra Leone should not be spending money on "non-essential recordkeeping exercises;" this perspective seems not only to be unaware of the need for RIM, but also ignores the fact that development agencies' funds should go not only to physically rebuilding communities, but also to re-establishing a good and truthful government through conscionable RIM practices. Furthermore, there are many papers commenting on the fact that, in the words of Heeks, "many information systems in developing countries can be categorized as failing either totally or partially," due to insufficient funding.

Based on this rationale, nearly all the problems facing RIM efforts in Africa have their root in a lack of funding. For instance, without the appropriate funding to uphold and value recent legislation supporting RIM activities, there will likely not be any appropriate changes to the current structure of public RIM: they need to be given the resources to implement the laws.

A study done by Ngulube and Tafor of African RIM programs starkly illustrates the death of funding: only two of twelve respondents received funding from sources besides their government. With many governments unable to offer as much funding as is needed to establish or maintain RIM practices and supporting personnel, the success of the entire system is in jeopardy. For those programs that did have funding in the past, the issue of aging/insufficient infrastructure to house records may be very present so the funding is also an issue because the

buildings used to store the records are often inappropriate and lead to accidental ruining of the records due to temperature and water issues.

### **Old and Failing Infrastructure**

Infrastructure in need of repair or modernization is undeniably linked to the lack of funding, but is also important in its own right because existing records managers may not have the ability to properly store the records for which they are responsible. The major problem in archives, and for the majority of African archives, is infrastructure decay. The majority of the existing RIM facilities were built shortly after independence while there was funding for state building from international institutions and former colonial powers.

However, funding has lagged since, and maintenance needs, some caused by changing space requirements due to technological innovation and the sheer number of records resulting, have led to the need for changing infrastructure and storage methods to house the records being created.

In relation to the above problem is the lack of sufficient funding and infrastructure particularly for information communication technologies (ICTs). ICTs can represent an opportunity for developing countries to improve their RIM systems by allowing for advanced information retrieval systems and providing online search functions to the public. They also provide the ability to store huge amounts of information in a relatively small physical space on servers.

However, these benefits cannot be realized in locations where there are problems with reliable and adequate electricity, as is the case in numerous African nations, particularly outside major cities.

## **Lack of Staff and Appropriate Training**

Most ICT programs are designed for use in developed nations, and are ill-prepared to deal with conditions of developing nations. Especially because of the expertise required to modify and fix the system should something go wrong, the complexities of the programming are beyond the capabilities of most citizens (not just in developing, but also developed countries). The expertise required to fix the programs is just not as readily available, as the civil service staff simply doesn't have the training (again, due in large part to a lack of funding)

This problem is also linked to lack of funding because there is virtually no money to train new staff members. Moreover, it is indicative of the lack of funding for public services in general, like education.

Numerous authors observed this additional funding-related challenge, noting sub-issues: most civil servants do not have appropriate education in RIM or archival techniques that allow them to do the best job with the records.

Even if staffs are educated in appropriate preservation management, if their facilities do not allow them to practice these skills, the knowledge is not productive. Furthermore, the few that are trained in Europe and North America return with highly marketable skills and rarely remain in public service

## **Lack of donor support**

Donor support to governments has, in many cases, exacerbated the situation. Donors have seldom recognized the significance of records management in supporting public service reform



objectives. Yet the expanding range of donor-supported government commitments depend on efficient record keeping systems and place increasing demands on the existing ones

### **Digital Divide**

Although the implementation and use of ICTs is one of the greatest opportunities for economic and social development of developing nations, the current dispersal of ICTs highlights the pre-existing difference between the ‘haves’ and ‘have-nots’. As well, it showcases that the accessibility of ICTs and the information that comes with them actually increases the displacement between the rich and poor. Although there are more people being connected to technological resources every day, whether through computer accessibility, internet connectivity, or simply phone lines and radio, it may be argued that the actual divide is not closing, because simply providing access to the information highway does not guarantee or even permit use of the information. There are other considerations, chiefly literacy, that have a major impact on the use of the information. The solution to the digital divide is not simply technological, but requires overall improvement in the human condition.

Tumusiime (2003) reports that “Hoima Police probe missing court files”, and that the staffs of Hoima court including the Grade one Magistrate were arrested due to missing files. Ssemujju (2002) adds that “police keeps vital records in sacks” and is due to inadequate accommodation facilities. Musoke (2002) asserts that a Don pinned court clerks of being corrupt. It is urged that the absence of a computerised filing system in most courts had given corrupt clerks an opportunity to play around with the filing systems.

Olupot (2003) adds that the Uganda lawyers appealed to the government of Uganda to upgrade registries by computerizing them to save them from collapsing. They singled out the Land

registry that operates on paper based records. It asserts that milo land documents in Kampala registry were in a tattered condition which causes disappearance of land information.

The New vision of (18/4/2002) reports that “every once in a while, work will be brought to a standstill because a file is lost or missing. It adds that sometimes files are misplaced or at times stolen, or vanish and the disappearance is usually more dramatic in the courts of law and the police department.

The New vision of (1st May 2001:1) reports the disappearance of a helicopter file from the company’s registry of the ministry of justice and constitutional affairs. The file was concerning an investigation into the purchase of junk helicopters by the ministry of defence. This situation lead to a delay in administering justice since there is no provision of records that would provide evidence. As a result, justice is either delayed or denied violating the rights of the people. Article 28(1) of the 1995 Constitution of the Republic of Uganda states that “in the determination of Civil Rights and obligations or any criminal charges, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law”

### **Pressures of work**

Practitioners within public sector legal institutions are generally well aware of the value of their records. However, they tend to work under constant pressure and often feel they can do little concrete to care for their records. The courts usually have a backlog of cases waiting to be heard; the police and public prosecutors will be dealing with an ongoing caseload of crimes. Each of these activities will result in records. And these records need to be cared for properly (Abioye, 2007).

## **Ignorance**

Unfortunately, legal professionals, like medical and other professionals, often believe that only someone who works in the profession can advise them about any matter relating to their area of work (Barry, 1994). Therefore, although many of the general principles and practices of records management can be applied to legal records, there may be reluctance on the behalf of clients to accept this advice from ‘lay’ records managers. Because of this common difficulty, one of the aims of this module is to provide you with a basic introduction to legal systems and terms so that you can, at least in part, speak a common language with your clients in the legal system (Nsambu, and Hillary, 2003).

## **Inadequate experience**

The registries stopped acting as the point of entry for able recruits and have become a dumping ground for staff without career prospects. The staff had limited training or experience with record keeping work, and record keeping was allowed to deteriorate. File classification and indexing systems originally designed to meet the record keeping requirements of the colonial period could not meet the needs of complex modern governments (Wamukoya, 2007).

## **Reluctance to destroy records**

Paradoxically, despite the low usage of records, there is an extreme reluctance to destroy records, even after they ceased to have any value to the institution. In the absence of rules and guidelines for what should be kept and for how long, staffs are reluctant to authorize destruction. Over time, registries have become severely congested with older records. Ultimately, many records systems collapse under their own weight (Kemoni and Ngulube, 2008).

## **Problems in information retrieval**

Information users are well aware that there are severe problems in information retrieval, but they do not know what solutions are required. They do not appreciate the complexities of establishing and maintaining records systems; often they do not recognize the connection between the breakdown of record systems and the larger problem of public administration. As a result, record system reforms rarely feature in government priorities (Mukembo David, 2004).

## **Ineffective record management**

Some of the symptoms of a failure to manage records effectively are the loss of control over the creation and use of records. e loss of control over access, the fragmentation of official records, the existence of different versions of the same information and the absence of a definitive or authentic record, the loss of contextual information, such as the originator and the date of creation and the ease with which electronic records can be manipulated or changed plus technology-related difficulties in retrieving records

## **2.4Types, creation, distribution, maintenance and disposition of records**

*Records and information management (RIM)* is the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use, and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records. Records, therefore, have value and add to the intrinsic worth of the organization. Records need to be managed in a meaningful way so they can be accessed and used in the course of daily business functions throughout the organizational environment.

*Records* are recorded information, regardless of medium or characteristics, made or received by an organization in pursuance of legal obligations or in the transaction of business. There is consensus within the organization regarding how a record is distinguished from other non-record material, such as a convenience file or draft. How records are managed throughout their life cycle is formalized into the policies and practices of the RIM program.

The records life cycle consists of discrete phases covering the life span of a record from its creation to its final disposition. In the creation phase, records growth is expounded by modern electronic systems. Records will continue to be created and captured by the organization at an explosive rate as it conducts the business of the organization. Correspondence regarding a product failure is written for internal leadership, financial statements and reports are generated for public and regulatory scrutiny, the old corporate logo is retired, and a new one including colours scheme and approved corporate font takes its place in the organization's history. Once a record is created, controls are triggered to regulate its access and distribution. A human resource employee may separate documents from a personnel file and keep them in a locked cabinet with a control log to control and track access. Role security may be set on a repository allowing access to approved users. Software may identify the official record, versions, copies, and distribution.

#### **2.4.1 Types of records**

##### **Policy Records**

These are records that relate to the organization such as plans, methods, techniques, or rules which the agency has adopted to carry out its responsibilities and functions. These include three basic categories (Iacovino, 1998).

## **Organizational Documents**

These include budgets and budget planning records, fiscal records, organizational and functional charts.

## **Governing Documents**

These documents include manuals, directives, orders, and interpretations issued from top authority levels, correspondence files of high-level officials, regulations, circulars, instructions, memoranda or regular issuances that establish a course of action, and staff studies or special reports relating to methods of workloads and performances.

## **Reporting Documents:**

Annual reports, periodic progress or summary reports, special reports or accomplishment, transcripts of hearings, minutes of meetings and conferences, and agency histories.

## **Operational Records**

Records necessary to implement administrative policies, procedures and operations. The operational value is the usefulness of a record in the conduct of an organization's business. Examples include mandates, procedural records, or records that give direction (Iacovino, 1998).

## **Legal records**

Records of legal value include those with evidence of legally enforceable rights or obligations of the State. These may include: Records relating to property rights: land, probate, contracts, agreements, leases, licenses; Records relating to citizenship rights: vital statistics, such as birth, death, marriage, some legal proceedings, and criminal cases; Records relating to employment:

veterans' records involving legal rights attached to employment, basic state personnel records, and, in some cases, payroll records; Records containing information required to protect the State against claims or to enforce statutes: executive orders, rules, regulations, and records to establish or support judicial opinions and interpretations (Kerrigan et al., 2010).

### **Fiscal records**

Records that have fiscal value relate to an agency's financial transactions. These may be budgets, payrolls, vouchers, and accounting records. After records have served their primary administrative purpose, it may be necessary to preserve them to document the expenditure of public monies and to account for them for audit purposes and requirements.

### **Historical records**

Records worthy of permanent preservation for reference and research purposes are selected for deposit in the state Archives at the Connecticut State Library. These records are retained for many uses. Public officials use archival records to protect the government, to give consistency and continuity to their actions, to prevent duplication of efforts, and to find successful ways for solving recurrent problems. Records are also kept to protect citizens' legal rights and for research in many fields to advance general knowledge and understanding.

### **Research records**

Records used in scholarly studies and investigations. Researchers want to extend human knowledge using basic historical evidence. These records may include important information on individuals, corporate bodies including their problems and conditions, and significant historical events. Researchers may include case files and correspondence of a regulative and quasi-judicial

nature, statistical and other data on economic development, population changes, and/or major movements in our society. Many of these records have informational, administrative, and archival value.

### **Electronic Records**

The Connecticut Uniform Electronic Transactions act (CUETA) defines an electronic record as "a record created, generated, sent, communicated, received or stored by electronic means, including, but not limited to, facsimiles, electronic mail, telexes and internet messaging" (CGS, Section 1-267). Electronic messages sent or received in the conduct of public business are public records.

### **Papers of individuals**

Mainly official papers but also some private and personal papers. Noteworthy collections include musical manuscripts of Cecil Sharp and Denis Browne as well as records of Masters of Clare such as Samuel Blythe and Henry Thurkill. ([www.clare.cam.ac.uk/types-of-records-2](http://www.clare.cam.ac.uk/types-of-records-2))

### **2.4.2 Creation of Records**

The creation stage of the records life cycle is where all records are "born". How a record is created varies and in addition to those records created within the agency, some are also received from external sources and incorporated into the agency's records. A record can be created in many forms such as reports, forms, letters, Email messages and other electronic formats.

According to State Records of South Australia adequate records management requires meeting the Standarddocument:



Official records need to be created in all instances where there is a need for an agency or individual to be accountable for, and/or provide evidence of, decisions made and actions taken.

Records are created to serve a business purpose, they are needed to conduct the business of the agency and are essential for proving what was said, done or approved. Failure to do so may leave evidence of the agency's business affairs incomplete and expose the agency to increased liabilities.

### **2.4.3 Distribution**

Distribution is managing the information once it's created or received whether it's internal or external. It occurs when records are sent to someone for which they were intended or were copied. Records are distributed when photocopied, printed, attached to an email, hand delivered, delivered by inter-office mail or regular mail, etc. After records are distributed, they are used.

While all records convey information, not all sources of information are necessarily records. For example, a published book or an externally provided database (on- or offline) will not be a record, although information selected from it and reused in a new context may itself become a record. Records arise from actual happenings; they are a 'snapshot' of an action or event. They offer a picture of something that happened. To serve their purpose in providing reliable evidence, records in both paper and electronic form must be accurate, complete, and comprehensive (Thomas, and Schubert, 1993).

### **2.4.4 Use**

This takes place after information is distributed. This is when records are used on a day to day basis to help generate business decisions, document further action or support other business operations. It's also considered the Active Phase. Records are created and used on a daily basis

to document actions, confirm decisions, identify rights and responsibilities, and communicate information. Without records, governments and businesses simply could not operate (Olupot, 2003). Governments use records for such wide-ranging purposes as; documenting the work of employees; confirming pensions, leave, and health benefits; confirming or reviewing policies and procedures; confirming citizens' rights, such as benefits, or land ownership; providing information about past actions or decision

While most records do not need to be kept permanently, small but significant portion have enduring value. It is this portion of records that are preserved within archival institutions. Typical users in national and other archival institutions include; government representatives requiring information about government activities; professional or academic researchers from a wide range of disciplines; journalists; members of the public; donor and lending institutions; others wishing to have some contact with the primary sources of their national; culture and tradition; anyone with a problem that can be solved by referring to records (Iacovino, 1998).

#### **2.4.5 Maintenance**

Maintenance is when records are not used on a day to day basis and are stored in the Records Centre. Even though they are not used on a day to day basis, they will be kept due to legal or financial reasons until their retention period is up. The maintenance phase includes filing, transfers and retrievals. The information may be retrieved during this period to be used as a resource for reference or to aid in a business decision. When information is removed from files, the information is tracked to ensure it is returned and/or available to others who may need access to it. Once the information has no more value or the retention period is up, it is then destroyed.

Records must be well managed in order to ensure that they are protected for both administrative purposes and to serve as evidence of the organization's work. Records management provides a professional approach to caring for records. The care of records and archives is governed by three key concepts. First the records must be kept together according to the agency responsible for their creation or accumulation (their provenance), in the original order established at the time of their creation. This gives them their 'evidential' nature and distinguishes them from other kinds of information. It is the basis for retrieving information from records. Knowing who created or used a record, where, when and why is the key to retrieval rather than their format subject matter or content. This is true for electronic records as well as the paper-based records.

When a records management system works well, the information contained in records can be readily retrieved. The disposal of unneeded records and the retention of valuable information can be managed effectively, and space, facilities, and resources can be used efficiently and economically.

Regardless of whether existing records programs are simply analysed for information or business systems are re-engineered, a key activity in the management of current records is maintaining the systems. This involves the following steps: maintaining control over the documentation used to record the creation, use, and disposal of current records, such as registers and logs; systematically managing the creation and handling of records, such as correspondence, mail, and forms; managing the creation and use of files; ensuring the regular transfer of records from current to semi-current storage and the destruction of obsolete records (Griffin, and Roper, 1999).

## **2.4.6 Disposition**

The next step in managing current records is to develop a disposal schedule, sometimes called a retention and disposition schedule or list.

**Disposal schedule:** The control document recording appraisal decisions and prescribing disposal action. Also known as disposal list, disposition schedule, records schedule, retention schedule, retention and disposal (or disposition) schedule, or transfer schedule.

**Retention period:** The length of time, as provided for by legislation, regulation or administrative procedure or based upon an estimate of the frequency of continuing use, that records should be retained in an office or records center before they are transferred to an archival institution or otherwise disposed of. Disposition is when the information is less frequently accessed, has no more value to the business or has met its assigned retention period (Barry, 1994). Then it's destroyed using confidential destruction services. Not all information gets destroyed once the retention period is up. Any information or records that have historical value to a legal institution will be kept and sent to Archives, where it will be kept for the future of the business and will never be destroyed. This is the final phase of a records lifecycle (Griffin, and Roper, 1999).

**Disposal date:** The date on which actions specified in a disposal schedule should be initiated.

**Destruction:** The disposal of documents of no further value by incineration, maceration, pulping, shredding or another secure method. Once records have been classified and scheduled, their care should become a matter of routine. Procedures should then be developed for managing the records in the office, transferring them out or destroying them on the disposal date and receiving records in the records center or archival repository.

For the first 3 steps of the lifecycle (Creation/Receipt, Distribution, & Use) the records are in the employee's custody and for the last 2 steps of the lifecycle (Maintenance & Disposition) the records are in the custody of the Information Management Department (Records Centre). Basically, the lifecycle is similar to a biological organism: It's Born (Creation/Receipt Phase), It Lives (Maintenance and Use Phase), and It Dies (Disposition Phase). The life cycle of records is very important so that all information is accurate and accessible to everyone who may need it and will be destroyed when it should and not before, in a secure confidential manner (Barry, 1994).

Wangutusi (2004) adds that the concern of quick disposal of disputes is a matter that has raised international recognition. The concern was clearly exhibited in the "Resolution on speedy justice" approved by the meeting of the council of the International Bar Association in Montreal, Canada of June 1991, where it was clearly spelt out that, "the right to speedy resolution of disputes is a fundamental aspect of justice itself". Effective management of records contributes to quick administration of justice since records provide information through which evidence is derived and decisions made

Where appropriate, the law should provide for the appointment of 'places of deposit'. These are record repositories which are outside the control of the director of the records and archives institution, but which are nevertheless subject to certain conditions and to inspection by the director. Such appointments would be made primarily in the parastatal sector, to ensure the preservation of quasi-governmental records not directly under the management of the records and archives institution (Iacovino, 1998).

Once systems are established for managing current records, the records manager and archivist must determine which records should be retained for their ongoing value and which may be destroyed as obsolete (Barry, 1994). Appraisal or retention decisions are taken on the basis of an assessment of the continuing value of the records for administrative, operational, or other uses. Appraisal involves analyzing records at the macro level (that is, in their series rather than file by file or item by item) to determine which categories are to be retained for how long, which will be transferred to archival storage, and which will be destroyed.

Disposal is the outcome of appraisal: records are disposed of (by transfer to records centre or archival repository or by destruction) or they are retained in the office of origin until their administrative or legal value has diminished or altered (Barry, 1994).

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Introduction**

This chapter deals with the methods and tools the researcher used in data collection and analysis. It describes the research design that was used by the researcher, data sources and collection methods tools, processing, analysing and the challenges that the researcher faced and ethical considerations.

#### **3.2 Research design**

The study employed a descriptive design by use of a qualitative and quantitative approach. It involved carrying out in-depth interviews with action officers, court clerks and records staff. Self administered questionnaires were also be used to collect data. The study also involved an observation of the physical set up of registries where possible. It also involved reviewing literature related to the subject. Some of the variables that were considered include: the state of registries, the skills of the records staff, remuneration of the records staff and records users, integrity, completeness and reliability of the records, policies and procedures and the records management systems.

#### **3.3 Study population**

The population comprised of internal records users and established records officers in the departments of Police, Directorate of Public Prosecution and the Magistrates court and the general public in Hoima District.

### **3.4 Sample size**

The sample size had the categories mentioned above and comprised 100 respondents. It included: 30 internal users, 40 records staff selected from the above departments, 20 respondents from the general public and 10 respondents were selected as key informants

### **3.5 Sampling techniques**

The study used both simple random sampling and purposive sampling. Purposive sampling was used to select the 25 respondents i.e. 10 from the police department (CID), 10 from the Directorate of Public Prosecution and 5 judicial officers from the Magistrates courts. On the other hand, simple random sampling will be undertaken to select 10 records staff from the police department, 10 from the directorate of public prosecution, 20 from the Magistrate's courts. These were selected since they are the key players in managing and maintaining records.

### **3.6 Data collection methods and tools.**

Both secondary and primary data collection methods were used during the research. Secondary data sources were accessed and review where possible and involved but not limited to publication such as Newspapers, journals (both local and International) and text books on the subject. Under primary data collection method, both quantitative (structured questionnaires) and qualitative methods (focus group discussion and in-depth interviews). This helped the researcher to access all the relevant information.

#### **3.6.1 Questionnaire**

The researcher formulated a questionnaire for the key informants. The use of questionnaires enabled the researcher to get relevant information from respondents.



### **3.6.2 Interview Guide**

Interviews are open questions often administered to key informants to give them wide latitude to talk about the subject. The researcher conducted oral interviews with the key informants

### **3.7 Data analysis and presentation**

**3.7.1 Qualitative data analysis – in depth interview from key informants were transcribed** after the field and respondents were listed and assigned codes before analysing them for the report. On the other hand, focus group discussion's data involved reviewing the statements made on each of the general and specific topics and determine if there is a consensus or disagreement on issues. Findings were arranged by topic.

**3.7.2 Quantitative data analysis - the questionnaires were numbered and sorted first before** performing quality control checks on the data. It involved looking at sheets for completeness and consistency. The data was then be processed using Epi-data statistical package and later analysed using the statistical package for social scientists (SPSS) programme.

### **3.8 Validity and reliability**

Validity refers to the degree in which our test or other measuring device is truly measuring what we intended it to measure. Reliability refers to the test's consistency among different administrations. To ensure reliability and validity of the tools, the researcher designed questionnaires, and interview guides in line with the objectives of the study. The researcher personally, pre-tested the tools and collected information from the selected respondents while following the research ethics.

### **3.9 Ethical considerations**

This research was conducted with utmost level of integrity basing on information or data collected from respondents. The information collected never had negative/bad impact on the legal institutions settings and the community as a whole. Data was kept with confidentiality

### **3.10 Limitations of the study**

- i. The researcher was unable to probe deeper into to subject matter because some of the information is regarded as confidential.
- ii. There was a constraint of time
- iii. Financial constraints such as stationary, transport, communication

## **CHAPTER FOUR**

### **DATA ANALYSIS, RESULTS PRESENTATION, AND INTERPRETATION OF FINDINGS**

#### **4.1 Introduction**

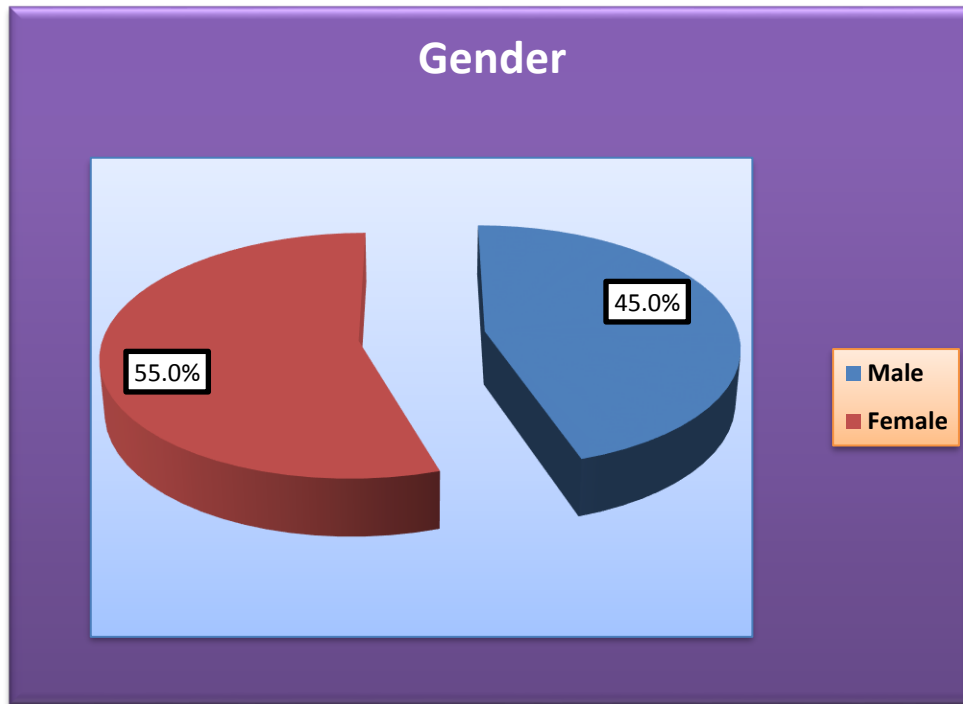
The chapter thematically partitioned sections under it into themes and sub themes to generate a logical flow of the study results putting into consideration the objectives of the study which are; to establish factors affecting the effective management of legal records, to identify problems associated with records and information management in these institutions and to establish the types of records; their creation, distributions, maintenance and disposition.

#### **4.2 Background Characteristics**

This section looks at the distribution of respondent characteristics in regard to gender, age group, marital status, and education qualification

#### 4.2.1 Distribution by Gender

Figure 1: Showing the gender distribution of the respondents



Source: primary data

As observed from the Figure 1: above, the findings indicate that majority (55.0%) of the respondents were female compare to the (45.0%) who were male. This implies that there was gender imbalance in the study and there are more females as compared to Men. The results indicate the majority are females because the female gender seems to be more careful in keeping and storing on records and are more trusted in those areas in organizations.

#### 4.2.2 Age Group distribution

**Table 1 showing the age groups of the respondents**

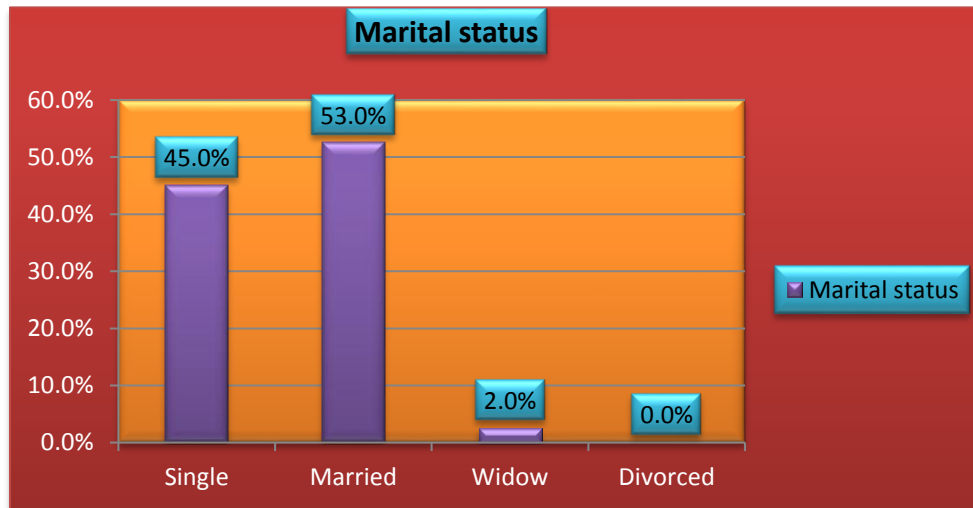
| <b>Category</b> | <b>Number of respondents</b> | <b>Percentage</b> |
|-----------------|------------------------------|-------------------|
| Below 20        | 1                            | 1.0%              |
| 20 - 30 years   | 40                           | 40.0%             |
| 31 - 50years    | 43                           | 43.0%             |
| above 50 years  | 16                           | 16.0%             |
| <b>Total</b>    | <b>100</b>                   | <b>100.0%</b>     |

*Source: primary source*

Results from table 1 show that the majority of the respondents (43.0%) were in the age group of 31 - 50 years, (40.0%) were in the age group of 20 – 30 years, (16.0%) above 50 years and the minority (1.0%) below 20 years of age. This implies that majority of the respondents were mature and energetic who are hard working. It is hard to get employees bellow the age of 20 years working in legal system records thus the minority were from that age group. Most of the employees are in the age group of 31 – 50 years because the legal institutions normally employee mature and old personnel who are can properly manage and handle the records.

### 4.3.3 Marital status of the respondents

Figure 2 Showing marital statuses of the respondents

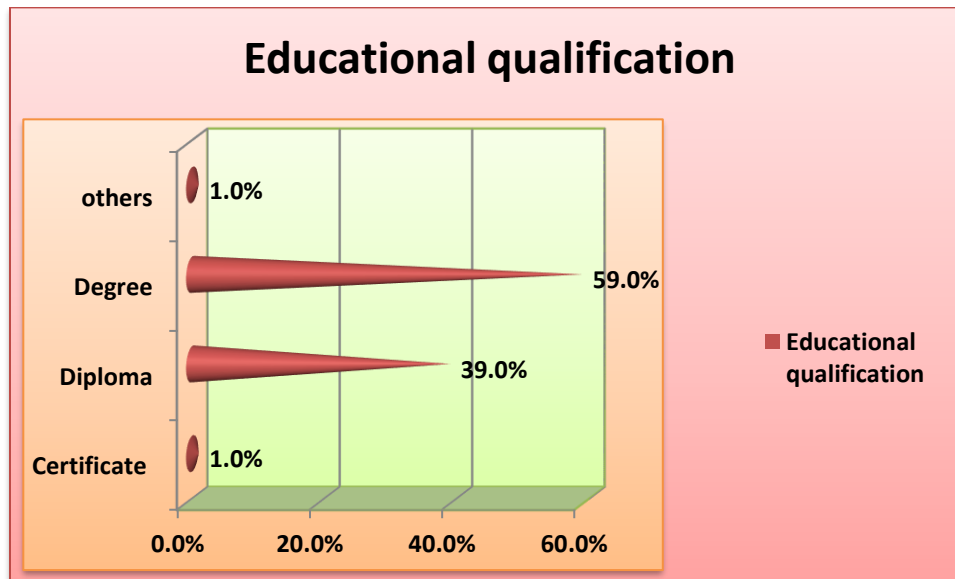


Source: Primary source

Results from figure 2 above indicate that the majority of the respondents (53.0%) were married. (45.0%) were single, (2.0%) were widowed, and the minority (0%) was divorced. This implies that majority of the respondents have family responsibilities and therefore are hard working. Most of the respondents with experience are married since the majority is in the age group of 31 – 50 as earlier mentioned in the age groups. Very few are divorced because there is a low divorce rate in the employees working in the legal institutions.

#### 4.2.4 Academic Qualification of the respondents

Figure 3 showing the academic qualification of the respondents



Source: primary source

Results from figure 3 above indicate that the majority (59.0%) of the respondents had degrees, (39.0%) had diploma, and the minority (1.0%) had certificates and others qualifications. This therefore implies that most of the employees are educated and have enough skills and proficiency to run the company's operations. It is practically hard to employ an uneducated worker in the legal records management systems and that justifies the reason for the big number of respondents qualified with degree. The other respondents with other qualifications are relatively few since the legal institutions encourage the employment of workers with better qualifications in the sensitive departments such as records.

### 4.3 factors affecting the effective management of legal records

**Table 2: factors affecting the effective management of legal records**

| Factors  | SA           |       | A            |       | N           |      | D           |      | SD          |      |
|--|--------------|-------|--------------|-------|-------------|------|-------------|------|-------------|------|
|  | F            | %     | F            | %     | F           | %    | F           | %    | F           | %    |
| Availability of infrastructure to accommodate record management                            | 46           | 46.0% | 53           | 53.0% | 0           | 0.0% | 1           | 1.0% | 0           | 0.0% |
| Availability of skilled personal to handle the records management processes                | 34           | 34.0% | 57           | 57.0% | 3           | 3.0% | 5           | 5.0% | 1           | 1.0% |
| Accountability   | 49           | 49.0% | 51           | 51.0% | 0           | 0.0% | 0           | 0.0% | 0           | 0.0% |
| Bureaucracy in accessing the legal records   | 61           | 61.0% | 37           | 37.0% | 2           | 2.0% | 0           | 0.0% | 0           | 0.0% |
| Control and management process of the legal records  | 50           | 50.0% | 50           | 50.0% | 0           | 0.0% | 0           | 0.0% | 0           | 0.0% |
| Ability of legal records to provide efficient, and enhanced services to the intended users | 40           | 40.0% | 59           | 59.0% | 0           | 0.0% | 0           | 0.0% | 1           | 1.0% |
| <b>AVERAGE PERCENTAGE</b>  | <b>46.7%</b> |       | <b>51.2%</b> |       | <b>0.8%</b> |      | <b>1.0%</b> |      | <b>0.3%</b> |      |

Source: primary source



As observed from table 2 about, the factors that affect management of legal records, results indicate (46.0%) of the respondents strongly agreed, (53.0%) agreed, (0.0%) were neutral, (1.0%) disagreed and (0.0%) strongly disagreed with availability of infrastructure to accommodate record management this is so because availability of infrastructures to aid the records management is very crucial and thus its existence greatly improves the management of legal records in the institutions.(34.0%) strongly agreed, (57.0%) agreed, (3.0%) were neutral (5.0%) disagreed and (1.0%) strongly disagreed with the factor of availability of skilled personal to handle the records management processes especially because of the expertise required to modify and fix the management of records system should something go wrong, the complexities of the programming are beyond the capabilities of most employees in the institutions (49.0%) strongly agreed, (51.0%) agreed, (0.0%) were neutral (0.0%) disagreed and (0.0%) strongly disagreed with the factor of accountability.

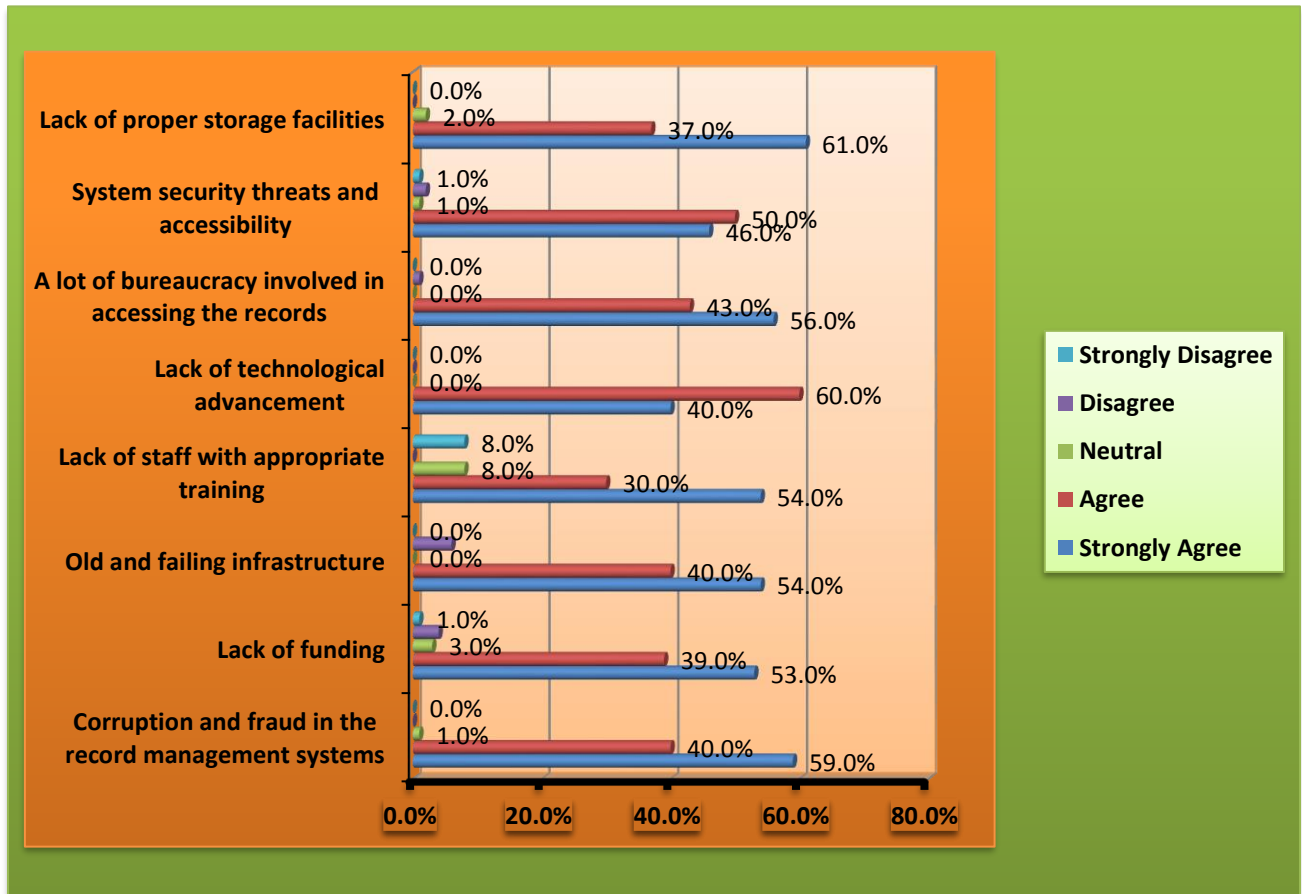
Concerning the factor of bureaucracy in accessing the legal records, (61.0%) strongly agreed, (37.0%) agreed, (2.0%) were neutral (0.0%) disagreed and (0.0%) strongly disagreed with it. In this case the employees do not appreciate the complexities of establishing and maintaining records systems; often they do not recognize the connection between the breakdown of record systems and the larger problem of bureaucratic procedures of administration in obtaining the or accessing the records. (50.0%) strongly agreed, (50.0%) agreed, (0.0%) were neutral (0.0%) disagreed and (0.0%) strongly disagreed with the factor of control and management process of the legal records (40.0%) strongly agreed, (59.0%) agreed, (0.0%) were neutral (0.0%) disagreed and (1.0%) strongly disagreed with the ability of legal records to provide efficient, and enhanced services to the intended users it.

On average, an average percentage of (46.7%) strongly agreed, (51.2%) agreed, (0.8%) were neutral (1.0%) disagreed and (0.3%) strongly disagreed with the factors that affect management of legal records.

These results point out that the loss of control of records has consequences for all citizens, especially for the poorest, who are least able to defend themselves. Relevant and accurate public records must exist if governments are to preserve the rule of law and to demonstrate fair, equal, and consistent treatment of citizens. Without access to records (either directly or through their representatives) the public does not have the evidence needed to hold officials accountable or to insist on the prosecution of corruption and fraud. Moreover, the public suffers when inadequate information systems affect program delivery. Indeed, public health, education, pensions, land, and judicial rights all depend upon well kept and well-managed records.

#### 4.4 Problems associated with records and information management

Figure 4: showing the problems associated with records and information management



Source: primary source

Results from figure 4 above indicate that (59.0%) strongly agreed, (40.0%) agreed, (1.0%) were neutral, (2.5%) disagreed and (0.0%) strongly disagreed with the problem of corruption and fraud in the record management systems. (53.0%) strongly agreed, (39.0%) agreed, (3.0%) were neutral, (4.0%) disagreed and (1.0%) strongly disagreed with lack of funding. Additionally, (54.0%) strongly agreed, (40.0%) agreed, (0.0%) were neutral, (6.0%) disagreed and (0.0%) strongly disagreed with old and failing infrastructure. This is so because of the ever increasing number of records, which have led to the need for changing infrastructure and storage methods to

house the records being created.(54.0%) strongly agreed, (30.0%) agreed, (8.0%) were neutral, (0.0%) disagreed and (8.0%) strongly disagreed to lack of staff with appropriate training. This is because the problem is also linked to lack of funding because there is virtually no money to train new staff members.

In addition to that, (40.0%) strongly agreed, (60.0%) agreed, (1.0%) were neutral, (0.0%) disagreed and (0.0%) strongly disagreed with lack of technological advancement. In this case, the solution to the proper records management is not simply technological, but requires overall improvement in the human condition to operate the technological advancements. (56.0%) strongly agreed, (43.0%) agreed, (0.0%) were neutral, (1.0%) disagreed and (0.0%) strongly disagreed that there is a lot of bureaucracy involved in accessing the records. (46.0%) strongly agreed, (50.0%) agreed, (1.0%) were neutral, (2.0%) disagreed and (1.0%) strongly disagreed that there is a problem of system security threats and accessibility. (61.0%) strongly agreed, (37.0%) agreed, (2.0%) were neutral, (0.0%) disagreed and (0.0%) strongly disagreed Lack of proper storage facilities.

This is supported by the fact that every once in a while, work will be brought to a standstill because a file is lost or missing. It adds that sometimes files are misplaced or at times stolen, or vanish and the disappearance is usually more dramatic in the courts of law and the police department. This implies that the organization indeed faces the above problems associated with records and information management.

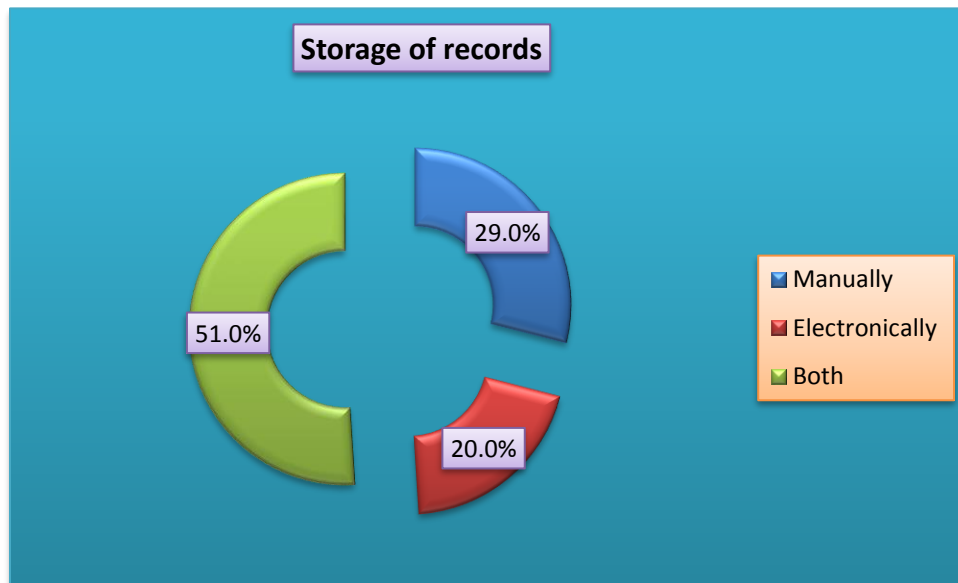
This supports that infrastructure in need of repair or modernization is undeniably linked to the lack of funding, but is also important in its own right because existing records managers may not have the ability to properly store the records for which they are responsible. The major problem

in archives, and for the majority of African archives, is infrastructure decay. The majority of the existing RIM facilities were built shortly after independence while there was funding for state building from international institutions and former colonial powers

Further still, these results also show that most record management programs are designed for use in developed nations, and are ill-prepared to deal with conditions of developing nations. Especially because of the expertise required to modify and fix the system should something go wrong, the complexities of the programming are beyond the capabilities of most citizens (not just in developing, but also developed countries). The expertise required to fix the programs is just not as readily available, as the civil service staff simply doesn't have the training (again, due in large part to a lack of funding. The researcher further pointed out that this problem is also linked to lack of funding because there is virtually no money to train new staff members. Moreover, it is indicative of the lack of funding for public services in general, like education

#### 4.5 The types of records; their creation, distributions, maintenance and disposition.

Figure 5 showing how are records stored



*Source: primary source*

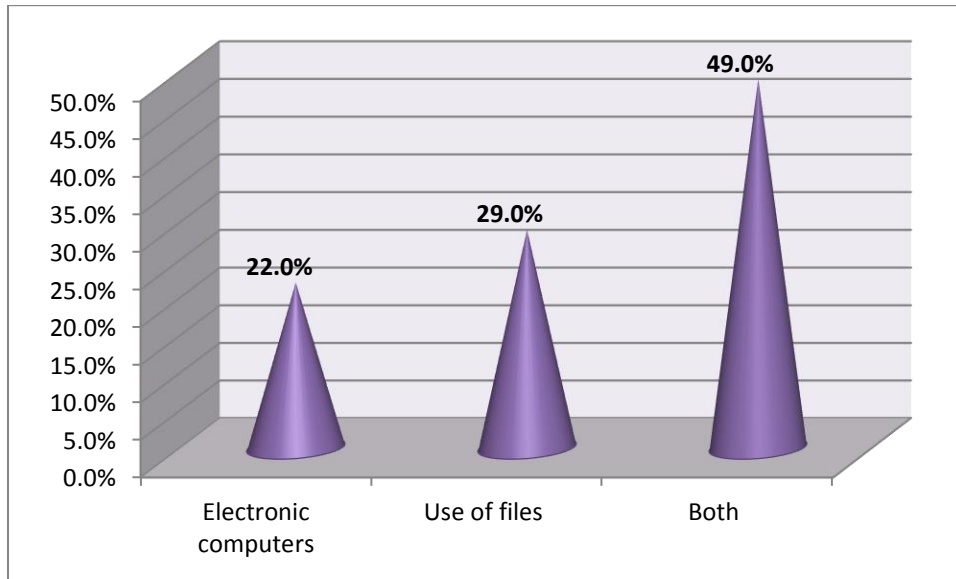
Results from figure 5 above indicate that majority of the respondents (51.0%) keep the records both manually and electronically, whereas (29.0%) keep their records manually and the minority (20.0%) keep their records electronically. This implies that both methods of keeping records are used. Both manual and electronic methods are preferred simply because not all the employees in the legal institutions are well versed with using electronic records management systems. And more still they two methods back up each other in case one methods fails or gets corrupted, the records and information can be retrieved from the second source

**Table 3: How are records accessed in you section**

|    | <b>Category</b>     | <b>Frequency</b> | <b>Percentage</b> |
|----|---------------------|------------------|-------------------|
| a) | Date of use         | 30               | 30.0%             |
| b  | Name of user        | 28               | 28.0%             |
| c  | Case/complaint type | 42               | 42.0%             |
| d  | All the above       | 0                | 0.0%              |
|    | <b>Total</b>        | <b>100</b>       | <b>100.0%</b>     |

As observed from table 3 above, (30.0%) said that they accessed the records by date of use, (28.0%) by name of user, (42.0%) by case/complaint type and (0.0%) by all the above ways. This implies that case/complaint type is the main method used to access records. This so because of the ever increasing number of cases and complaints in the legal institutions and systems. Therefore arranging them according to complaint/ case numbers is easier and fast to locate and arrange.

**Figure 6 showing how records are distributed within the organization**



*Source: Primary source*

Result from figure 6 above indicate that majority of the respondents (49.0%) agreed that their records are distribute by use of files and electronic computers. (29.0%) said that their records are distributed by use of files and (22.0%) said that their records are distributed by electronic computers. With the ever evolving and advancing technology, the legal institutions are moving from use of manual files to use of electronic computers. However, some elements of use of files still remain in the institutions and therefore the records are distributed with both electronic means and use of files



**Table 4 showing when the records are disposed off**

|   | <b>Category</b>            | <b>Frequency</b> | <b>Percentage</b> |
|---|----------------------------|------------------|-------------------|
| a | Immediately after a ruling | 0                | 0.0%              |
| b | After a given time limit   | 70               | 70.0%             |
| c | Mutual agreement           | 30               | 30.0%             |
|   | <b>Total</b>               | <b>100</b>       | <b>100.0%</b>     |

*Source: Primary source*

Results from table 4 show that the majority of the respondents (70.0%) said that they dispose off the records after a given time limit. (30.0%) agreed that they dispose off the records after a mutual agreement and no one said that they dispose off the records immediately after the ruling. The records can't be disposed off immediately after a ruling because they are still needed in case the case is reopened for further investigations. That's why majority of the respondents agreed that they are disposed off after a given time limit. Some of the records can also be disposed off after a mutual agreement.

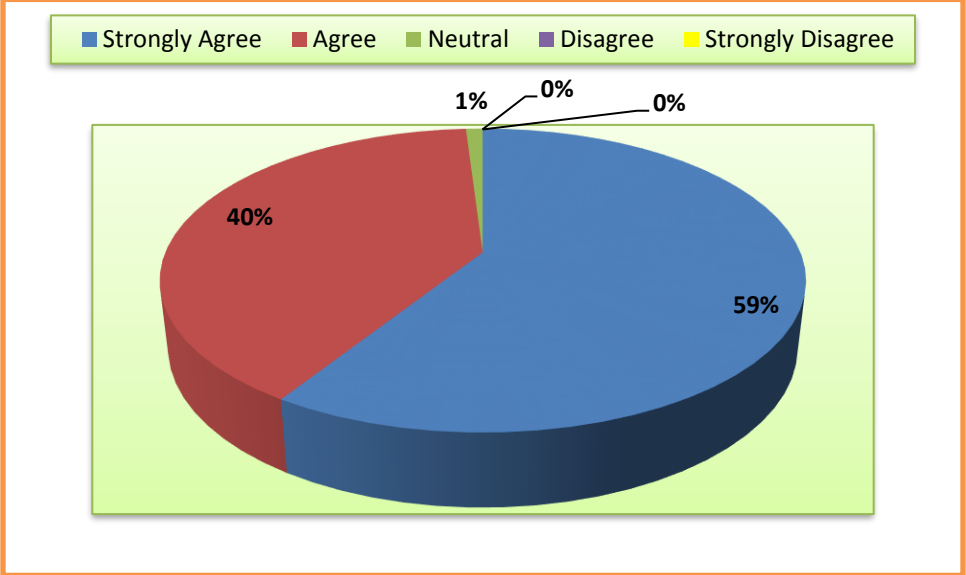
**Table 5 showing whether the organization established and maintained documented procedures to control documents**

|   | <b>Category</b> | <b>Frequency</b> | <b>Percentage</b> |
|---|-----------------|------------------|-------------------|
| a | Yes             | 97               | 97.0%             |
| b | No              | 3                | 3.0%              |
| c | Not sure        | 0                | 0.0%              |
|   | <b>Total</b>    | <b>100</b>       | <b>100.0%</b>     |

*Source: Primary source*

Results from table 5 above indicate the (97.0%) of the respondents agreed that their organization had established and maintained a documented procedures to control the documents. (3.0%) said no and (0.0%) were not sure about the same. Failure to maintain well documented and maintained procedures to control documents can result to loss of critical and vital information. That's why most of the respondents agreed.

**Figure 7 showing whether records and their management plays a great deal in the careful handling and running of an organization**



*Source: Primary source*

Results from figure 7 above indicate that the majority (50.0) strongly agreed, (40.0) agreed, (1.0) were neutral, (0.0) disagreed and no one strongly disagreed that records and their management plays a great deal in the careful handling and running of an organization. This goes in line with the fact that effective management of records contributes to quick administration of justice since records provide information through which evidence is derived and decisions made

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter generates the summary and conclusions drawn from the study based on the findings presented in data analysis and the study objectives. The chapter also advances the recommendations, as well as identifying the areas for further studies.

#### **5.2 Summary of the findings**

The findings discovered that the factors that mainly affect record management were control and management process of the legal records, efficient & enhanced services to the intended users and bureaucracy in accessing the legal records among others.

Majority of the respondents argued that the problems faced in management of records included lack of proper storage facilities, corruption and fraud in the record management system, and a lot of bureaucracy involved in accessing the records and Lack of staff with appropriate training among others.

Additionally, the study revealed that records are mostly stored and distributed using both manual and electronic methods, accessed mainly by case/complaint type, disposed off after a given time limit. Most sections had established and maintained documented procedures to control documents and majority agreed that their management of records plays a great deal in the careful handling and running of an organization

#### **5.3 Conclusions**

In conclusion, efficient & enhanced services to the intended users and bureaucracy in accessing the legal record are factors that affect record management, lack of proper storage facilities;

corruption and fraud in the record management system are among the major challenges facing record management. Most records are managed both electronically and manual and that record management plays a great role in careful handling and running of an organization.

#### **5.4 Recommendations**

Based on this study, the researcher made the following recommendations;

It is recommended that the organizations need to have an overall improvement in the human capacity through trainings and workshop to equip them with skills.

Organizational leaders need to invest strategically in the developing their records management mechanisms and places

It is further recommended that organizations should also adopt technologically based record management systems for easy and efficient use and accountability

#### **5.5 Areas for further study**

More study and research should be made on the following areas and topics

The impact of records management on service delivery of organizations

Assessing risks in records management

The impact of records management on performance of organizations

## REFERENCES

- Abioye, A. (2007). Fifty years of archives administration in Nigeria: lessons for the future, *Records Management Journal*, Vol.17 (1), pp. 52-62.
- Barry, R.E. (1994). Electronic document and records management systems: towards a methodology for requirement definition. *Information Management and Technology*,27 (6),pp 251–256.
- Buckland, M. (1990). Nature of records management theory. *American Archivist*, 57, p346-351.
- Burns, S., Ferris, J. and Liatsopoulos, D. (2009). The problems and barriers of records and infrastructure management in Africa. Available from:
- Cook, M. (1999). *Managing records in records centres*. London: International Records Management Trust.
- Griffin, A. and Roper, M. (1999). *Organising and controlling current records*. London: International Records Management Trust.
- Hare, C.E., and MacLeod, J. (1997). *Developing a records management programme*. London:Aslib.
- Iacovino, L. (1998). *Things in action: teaching law to record keeping professionals*. Melbourne: Ancora Press.
- International records management trust (1999) “managing legal records” London: IRMT.
- Kemoni, H.N. and Ngulube, P. (2008).Relations between records management, *Information Development*, 24(4), 296 – 306. [online]. Availablefrom: <http://idv.sagepub.com/>. Accessed 3rd February 2011.

Kerrigan, F., Matakala L., Mweenya, W., Dinda, C. and Moller, M. (2010). Access to justice: a situation analysis carried out on behalf of the Governance Secretariat. The Danish Institute for Human Rights.

Mukembo David (2004, unpublished) “records management challenges in Uganda,” a paper presented at 49th ARMA Conference: October 3/6/2004, Long Beach, California.

Nsambu, Hillary (2003), “Supreme Court gets electronic recorder” in the Newvision of 10/10/2003.

Olupot, Milton (2003), “upgrade registry, lawyers tell government” in the Newvision of 21-6-2003.

Ssemujju, Ibrahim Nganda (2002), “Police keeps vital records in sacks” in the Monitor of 15/3/2002.

Thomas, V. S., Schubert, D. R., and Lee, J.A. (1993). Records management systems and administration. New York: John Wiley & Sons.

Tumusiime, A (2003), “Hoima Police probe missing Court files” in the Newvision of 10-01-2003.

Twining, A. And Quick, E.V. (1994). Legal records in the Common wealth. Aldershot: Dartmouth Publishing Company.

Wamukoya, J.M. (2007). Records: a neglected information resource in Africa. Records Management Journal, 5(1), 15-22. Available from: [www.emeraldinsight.com](http://www.emeraldinsight.com). [Accessed 15th July 2011].

Wangolo, A.M (1995), Uganda public service reform programme: Implementation of reform measures and lessons learned. A paper presented at a workshop on the public service reform programme in Anglophone Africa, held at the Lord Charles Hotel, Somerset West, South Africa, 24th – 28th April 1995.

## QUESTIONNAIRE

Dear respondent,

I am called **KOMAKECH JOSEPH GILBERT**, a student of Uganda Martyrs University undertaking a Bachelor's Degree of Business Administration. I am carrying out a research study on the topic of **“the contribution of Records management in the administration of justice in Uganda”**

This questionnaire is therefore intended to seek information on the above subject matter. The information is purely for academic purposes and all the answers will be handled with utmost confidentiality.

I therefore humbly request that you complete this questionnaire correctly in the spaces provided or options given bellow

### **SECTION A: BACKGROUD CHARACTERISTICS**

(Please, tick the appropriate answers where options are given).

#### 1. Gender

(a) Male  (b) Female

#### 2. Age Group

(a) Below 20  (b) 20 - 30 years

(c) 31 - 50years  (d) above 50 years

#### 3. Marital status?

(a)Married  (b) Single  (d) Divorced  (e) Widow

#### 4. Education qualification

(a)Certificate  (b) Diploma  (c) Degree  (d) others



**SECTION B: FACTORS AFFECTING THE EFFECTIVE MANAGEMENT OF LEGAL RECORDS**

The following abbreviations are used; **SA** = (Strongly Agree), **A**= (Agree), **N**= (Neutral). **D**= (Disagree), **SD**= (Strongly Disagree)

5. do you think the following are factors affecting effective management of legal records

|   |  | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
|---|--|-----------|----------|----------|----------|-----------|
| a | Availability of infrastructure to accommodate record management                            |           |          |          |          |           |
| b | Availability of skilled personal to handle the records management processes                |           |          |          |          |           |
| c | Accountability   |           |          |          |          |           |
| d | Bureaucracy in accessing the legal records   |           |          |          |          |           |
| e | Control and management process of the legal records  |           |          |          |          |           |
| f | Ability of legal records to provide efficient, and enhanced services to the intended users |           |          |          |          |           |

**SECTION B: PROBLEMS ASSOCIATED WITH RECORDS AND INFORMATION MANAGEMENT**

6. Do you face the following problems associated with records and information management?

|   |  | <b>SA</b> | <b>A</b> | <b>N</b> | <b>D</b> | <b>SD</b> |
|---|--|-----------|----------|----------|----------|-----------|
| a | Corruption and fraud in the record management systems                                  |           |          |          |          |           |
| b | Lack of funding  |           |          |          |          |           |
| c | Old and failing infrastructure   |           |          |          |          |           |
| d | Lack of staff with appropriate training  |           |          |          |          |           |
| e | Lack of technological advancement in managing the records                              |           |          |          |          |           |
| f | A lot of bureaucracy involved in accessing the records                                 |           |          |          |          |           |
| g | System security threats and accessibility of the legal records by unauthorized persons |           |          |          |          |           |
| h | Lack of proper storage facilities  |           |          |          |          |           |

**SECTION B: ESTABLISH THE TYPES OF RECORDS; THEIR CREATION, DISTRIBUTIONS, MAINTENANCE AND DISPOSITION.**

7. How are documents/records created in your organization?

.....  
.....

8. How are records stored?

a) Manually  b) Electronically  c) Both

9. How are records accessed in you section?

a) Date of use  b) Name of user  c) Case/complaint type

d) All the above

10. How are the records distributed within the organization?

a) Electronic computers  b) Use of files  c) Both

11. When are the records disposed off?

a) Immediately after a ruling  b) After a given time limit  c) Mutual agreement

12. Has the organization established and maintained documented procedures to control documents

a) Yes  b) No  c) Not sure

13. Do you believe records and their management play a great deal in the careful handling and running of an organization?

a) Strongly agree b) Agree c) Disagree d) Strongly disagree

8. Do you have any recommendations that you would like to give related to our topic under investigation? .....

***THANKS FOR YOUR TIME!!!***