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## Repositioning the National Documentation and Information Retrieval Service in the digital Era and Improving Compliance to Statutory Legal Deposits Requirements

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### Abstract:

*This paper seeks to explore ways in which the National Documentation and Information Retrieval Service (NDS) can be repositioned, in the digital era, in order to leverage its performance. The NDS was established to ensure proper documentation of government activities within one institution. The Department provides a common storage and point of access of all government archives, published and unpublished reports irrespective of formats. This Service has a very rich collection of colonial and post-colonial Kenya. However in the recent past there has been a drastic reduction in the inflow of government documents. The rate of compliance at the moment is at 3.5%, a very worrying trend. As the Documentation service grapples with the challenge of low compliance to the statutory deposit requirements, it is now faced with a more difficult problem; digital publishing. Most government reports are now born digital by the authoring ministry, department or agency, unlike in the recent past when the Government Printer (GP) was the sole publisher on behalf of MDAs. The Government Printer would supply the Director with two copies of every publication produced. Currently access and preservation of these self-published materials has been very difficult as at times their existence is not even known to the Service. This has resulted in a huge gap in the documentation, as fragmented efforts yield chaotic heritage and hampers the flow, retrieval, access, and use of public information.*

**Keywords:** digital publishing, e-governance, legal deposits, government publications, depository

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### Introduction

In the course of transacting business there is a record as an end product of the process. Government transactions and processes generate many records that are crucial as evidence of their occurrences. Most government officers understand the importance of proper records keeping. These records are construed to mean those with folio numbers kept in properly referenced files. However, there are many other records existing in variant formats. These include books and published and unpublished reports or papers that equally need to be managed well. Management of these publication has not been given due attention, and is in most cases produced and distributed, but not reserved for preservation and future reference. However before this situation is remedied, advancement in technology has also brought additional challenges. In this digital era, electronic publishing has made it easier to produce

mass digital reports that are easy to share and use. The government of Kenya, in an effort to provide effective and efficient services, has embraced e-governance. In turn, the amount of information produced has increased greatly and their formats undergone multiple changes without considerable change of strategies to suit these changes. Management of these types of records requires new strategies, skills and equipment that the Government may not have planned for. Government documentary heritage should be managed in ways as dynamic as their production, format of existence, and envisaged use. Proper documentation of government publications should be guaranteed irrespective of technological changes, and their access guaranteed through proper mitigations against challenges of obsolescence and deterioration of storage mediums.

### **Background on the National Documentation and Information Retrieval Service**

The National Documentation and Information Retrieval Service was incorporated into the Kenya National Archives in 1990. Prior to its establishment, management of public documents was not defined in any manner. There was neither policy nor regulation to govern management of information produced in the public sector. Government publications from colonial and post-colonial era were housed in the Central Government Library managed by a librarian responsible to the chief Archivist. This library was founded in 1946 as the Chief Native Commissioner's library to provide free interchange of ideas between the colonies and the colonial office. The main users of the library were civil servants working for the colony of Kenya. The library collection included official gazettes, newspapers and other pamphlets and books which by 1956 amounted to 2500. After independence the library remained integrated to the Archives has served as legal depository for Kenyan publications private and official, Gehrke 1975.

A circular from the office of the president, No. 1/48A/11/10 of July 1989, sanctioned the establishment of the Service as a division within the department of Kenya National Archives known as National Documentation and Information Retrieval Service (NDS). Thereafter, in the year 1990 the Public Archives and Documentation Service Act cap 19 section 5A outlined the following as functions of the Service;

1. Receive 2 copies of published or generally circulated documents or report (hardcopy or microfilm) produced by state corporations, government Departments or Ministries. These include; Government Printer, the Kenya National Bureau of Statistics (KNBS) among others.
2. Publish and circulate to all major libraries accessions list after every six months, of all reports and documents acquired.
3. Initiate appropriate measures to establish and develop documentation link centres where they do not exist in Government ministries, departments, and parastatal organizations.
4. Coordinate the acquisition and preservation of reports and generally circulated documents in the public service through the documentation link centres.

Arachi (1992) in his paper *Publicity and Publication Programmes for Kenya National Archives and Documentation Service; The Way Ahead*, points at the KNADS moral obligation as to guide in the creation and documentation in the country. He further indicates that District, Ministerial and Departmental documentation centres, registries and record offices were some of the structures that were in place to aid in attainment of physical and intellectual control, a role that should be spearheaded by the KNADS.

## Discussion

### *Compliance to the legal deposit law PADS*

The laws of Kenya Chapter 19 section 5A on National Documentation and Information Retrieval Service subsection one requires every permanent secretary or head of government departments or chief executives of a state corporation or local authority to supply the director two copies of any published or generally circulated document or report produced by that office, whether in hard copy or microfilm. The executive order No. 2 of 2013 has listed approximately 308 public institutions which define the scope of the offices that should be targeted by the Service.

The subsequent subsections points at two other government institutions required to deposit two copies of their publications. The Government Printer, by virtue of the amount of government publishing it does, is one mentioned expressly by the Act. This institution's publications are very crucial to the Service and should be supplied as required by law. However, the relationship between the GP and the Service has not been clear. The GP has not been depositing leaving the service with no option but to collect the publications. Unlike the GP the Kenya National Bureau of Statistics is one of the commendable depositors to the depository.

There has been a gentleman's agreement between the Service and many institutions that it collects these publications. Wanjau, 1996 was concerned that the KNADS was not doing enough to ensure compliance to the act and instead opting for this arrangement. The situation has not changed and this has become increasingly difficult to maintain. It requires staff to visit each office yet the Service is inadequately staff. The current staffing of three librarians makes it untenable.

A survey conducted by the Transition Authority in collaboration with KNADS revealed major mismanagement of records and documents of the defunct local Authority. Counties have also embarked on making their own legislations yet accessing such publications is a challenge. This marked increase in public offices has expanded the Service jurisdiction.

The fulfilment of PADS requirement had been envisaged to guarantee access and proper management of considerable percentage of public sector documents. However, this has not been achieved as compliance is so insignificant prompting the staff of the Service to visit these offices in search of publications. A futile effort that neither guarantees access to all documents published nor access to all the target offices.

### *Relations with other Documentation/Depositories and Publishers of Government Documents*

Over time Kenya continues to try and improve documentation and ensure access of government information. Despite the establishment of the NDS (Service) there are many agencies that also perform documentation in different sectors, jurisdiction and capacities. It proper for this paper to look at these related agencies to find out how their efforts are contributing to the documentation of government publications Kenya.

#### *i. Kenya Law*

The Kenya law was established by the National Council for Law Reporting Act as the official publisher of the Kenya Law Reports and the Laws of Kenya. The amount of legal information in the public domain has increased drastically since its inception. Kenya law has established a

comprehensive legal collection dating as early as 1900 to as current as 2016. The institution has been engaged in digitization of old documents from many institutions include the KNADS, the GP, court libraries and many others and has the contents accessible on the website and upon request freely.

*ii. Kenya National Library Service (KNLS)*

This is the national library established (KNLS Board Act, 1965) to promote, establish, equip, manage, maintain and develop libraries in Kenya. The core function being to provide advisory services to the government, local authorities (now defunct) and other public bodies on all matters relating to library, documentation and other related services. The KNLS has an additional task of developing a national bibliography which by extension gives it the role of a legal depository (Books and Newspaper Act CAP. 111 of 1960). It therefore serves to document publications from private publishers and has not been charged via any law to serve as documentation for government activities. A situation that the Library would like changed as they already operate a Government publications section which, though not up to date, receives many enquiries.

*iii. Kenya National Scientific Information Documentation and Communication Centre (KENSIDOC)*

This is the documentation unit of the National Council for Science and Technology (NCST). It was established alongside the parent organization in 1977 and has over time been collecting, organizing, storing and disseminating information pertaining to research programmes conducted in science and technology. KENSIDOC also produces bibliographic aids and union lists. In the inception of this documentation centre it was envisaged that the then National Archives, would perform a complementary role to NCST. It has however charted a different route and has little or no interactions with KNADS.

*iv. District Information and Documentation Centre (DIDC)*

Githaka B. referred DIDC as a resource and reference centre established to house all published or generally circulated documents relating to development in the district. The sole duty of the DIDC was to act as a source of information on development statistics, national and district development plans as well as sector by sector literature on development in the district. These centres were established and managed by the Ministry of Planning and National Development with the NDS providing just technical assistance. Wanjau (1996) asserts that the NDS was kept in the periphery limiting its role to professional guidance only. The Service has in the recent past concerned itself with establishing documentation Link Centres (DLCs) in the county commissioners which duplicates the functions of DIDC where they exist. These duplications has rendered poor coordination of government documentation, is costly and unsustainable. However this relationship was not properly cultivated to yield maximum benefits in government documentation, as the DIDC were better placed to serve as documentation link centres to fulfilling the mandate of the NDS at the district level. In essence the Service could provide more by being an oversight authority mandated to keep the centres on check and truly act as a National Documentation Service.

***Government publishing and documentation in the digital era***

The Government printing press was the sole publisher of most government publications. The GP offered secure, modern, cheap and specialized printing to MDAs. The publishing was

done at a charge or the GP was given the leeway to publish and sale the publications to the public. However, in the recent past, the government has been embracing the use of ICT in fulfilling its functions to the public. This has brought transformation in the manner in which government documents are created. Most of them are now born digital, shared through email and other social media and accessed online. Official reports are now produced and stored in online repositories. Some MDAs circulate their reports via their website for access by the public and other related agencies.

The role of the GP has been pushed to the periphery and does not enjoy the glory it used to in the past. MDAs are even outsourcing printing services privately based on the new public procurement laws that gives them options of choosing from the cheapest supplier. Modalities of works have changed and the GP has tried to adjust to the ever-changing technology, government policies and demands. It is currently collaborating with the Kenya Law for online posting of all its legal publications. On this account, what happens to the rest of its publications? Does the GP have the capacity to monitor and access these self-published contents? Whose responsibility is it to access and manage these crucial government publications? This shift from print to electronic documents is what concerns this paper. The questions that beg to be answered are centered on the readiness and preparedness to manage these documents.

The responsibility on government documentation, in the digital era, is still the onus of the Service which should have digital repositories hosting all governments' publications. Even with the changes in government publishing the PADS Section 5A subsection one can still be inferred to provide for access of electronic documents.

### ***Preservation and access of government digital documents***

The Archives as the memory of the nation plays a major role in preserving government documents. Despite the failure by MDAs to comply fully with the deposit requirements and the changing publishing terrain the Service as a custodian of the Kenyan documentary heritage has over 32000 materials in the following collections;

- i. Murumbi Africana collection
- ii. Government publications
- iii. Legal collection
- iv. Legal deposits
- v. Research works
- vi. General publications
- vii. Microfilmed publications

The requirement on deposits by public agencies describes these publications as published/unpublished documents, in hard copy or microfilm. The Act is therefore silent on digital or other electronic formats leaving the Service with unclear scope of documents. However though implied it is still possible to invoke the provision of this Act.

However, as the Service grapples with management of the aforementioned print collections it has been left way behind and does not have the capacity to manage electronic or digital contents produced from day to day by the government. Many public institutions have embraced the use of technology and continue to publish digital contents.

In contrast, automation of the Service though our ultimate dream has not been realized. The only computerized program in use is WINISIS, the UNESCO designed information retrieval system, which has been used for more than two decades. The Service lacks a document or archives management system that should have succeeded WINISIS. Such an integrated system could be useful in accessing, harvesting and managing digital documents from public institutions. In addition, the KNADS department does not have a working website where it can lend itself to the public. With little online presence the Service cannot match the steps of many government agencies which are offering open access to their publications online.

It is against the above arguments that the Service is not in a position to access and harvest digital contents. Lack of a vibrant ICT unit in the department that is staffed with adequately trained personnel will greatly hamper the Service's ability to fulfil its mandate in this digital era.

### ***Recommendations***

- i. The KNADS should be repositioned in an appropriate ministry where management of Archives and public documents will be of priority. The Department has been in transit from one ministry to another since its inception. It is currently domiciled in the Ministry of Sports Culture and the Arts, where it is struggling to remain relevant to the ministry's core function. Due to the nature of its functions that cross cut different government agencies, the best ministry suited to host KNADS is that of Interior and Coordination of National Government.
- ii. There is need to consolidate all documentations centres and have a single depository of all government documents instead of the current scattered documentation that is yielding confusion. The KNADS should take its central role as an authority in the management of government information, records, archives and documents. It should establish itself as a centre of excellence and provide guidance to all the other documentation centres and depositories that should then act as its Link Centres.
- iii. As a function of the National Government the KNADS should increase its presence by establishing documentation and retrieval services within its regional centres previously referred as Records Centres. In addition to the usual staff, every Records Centre should have librarians responsible for proper documentation of government publications within those jurisdictions. Furthermore the alignment of these Centres should be in line with the new administrative offices in counties which will ensure proper documentation in the 47 counties.
- iv. PADSAs should be reviewed in light of the changes in publishing and governance structure in Kenya. This review should incorporate institutions established in the 2010 constitution such as Independent Offices, Constitutional Commissions, and Counties. The Act should clearly spell out its directives to these bodies on supply of publications particularly those they do not publish with GP. The Act should stipulate stiff penalties for non-compliance that will give the Director power in implementing the directives. The review should also have a provision for access and management of digital contents emanating from the public sector. It should empower the Service to access all government repositories, copy its content and then act as one-stop site for all government information.

- v. The KNADS does not have the luxury of time when it comes to the adoption and use of sophisticated technologies in the field of information and knowledge management. There are two exemplary systems within the government; the IFMIS (financial management information system) and GHRIS (Human resource management information system) designed and implemented by respective ministries that have improved efficiency and effectiveness in the public sector. KNADS should therefore establish a document management system based on the existing International Standards to enable the public sector to leverage its performance. With such systems in place management of electronic/digital items will become structured and their access will be guaranteed.
- vi. The KNADS should establish a Research and Development unit to spearhead the institution in copying with trends and also in development of services beyond the anticipation of the clientele. Meeting demands of the users in the knowledge age cannot be done in the same manner as was in past eras. The KNADS must take a big leap in front in order to keep up with these changes. There is also the need to develop policies and regulations in the management of public documents in the entire republic. The KNADS command a lot of respect and authority in the development of curriculum for training in colleges and universities. This is an area that undergoes frequent changes and the department must continue to provide advice and shape its terrain. The Department should devise ways of improving its work and this can only happen if there is a unit dedicated for such purposes.
- vii. The GP should rethink its strategies and improve its competitiveness. It should endeavor to position itself as a choice printer for Kenyan institutions. To remain relevant the role of the government printer should evolve with upcoming technologies and government's new strategies in order to keep up with the changes. The government Printer should supply two copies of all publications printed as stipulated in the PADS section 5A subsection 2. This should include those from the National as well as County Government(s). The KNADS should seek out the GP and establish a strong working relation for the sake of public documentation.
- viii. There should be deliberate efforts to support and staff the Service. The current staffing of three librarians, down from eighteen, is too inadequate if the Service is to remain relevant and vibrant in the public Sector. As was discussed in the foregoing this is the only institution charged with documentation of all public documents. This is a huge responsibility that demands not only adequate staff but also staff with authority, skills and passion. The headship of the NDS should be elevated to the level of Deputy Director in order to improve its status and representation within the KNADS. The Service should also be staffed with others officers at appropriate levels with specialized skills in cataloguing, library systems, and well versed in government documentations. With such an office in place the Service will be on its way to ensuring effective national and county documentation, proper documentation in parastatal organizations, and general efficiency in technical processes and digital content management.
- ix. There is also need to equip the Service with modern equipment for storage, processing and access. An integrated library management system that will automate various processes in the Service is due. The Department of Library service is one such agency that has been given the responsibility to design and implement a government

integrated library management on behalf of libraries in the civil service. As at now it is not known the strategies this department has in place on achieving this goal.

- x. Marketing and publicity is one very crucial component that institution must purpose to carry out. The existence and services of KNADS are not known by most institutions in the Republic and the few who do normally have a negative perception. To correct this anomaly there is need for vigorous marketing of Archives by holding Open days to all the services including the documentations', having talk shows, enclosing brochures on services in all outgoing mails, coming out strongly in public events, join in the defending of laws on right of access to information and many other forums.

### **Conclusion**

In this era of open government, accountability and transparency there arises a need for proper documentation of government activities. Institutions mandated to provide government information to the public should ensure they fulfil this mandate irrespective of the many challenges that may arise. Kenya has made great strides in the adoption of e-governance that is being quickly emulated in all sectors. However, efforts must be increased in government documentation in this digital era. The Service stands the risk of being rendered dysfunctional if nothing is done to address these challenges.

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