1st Northumbria
International Witness Seminar Conference

EXPLORING THE ESSENCE OF RECORDS MANAGEMENT

ENGAGING WITH EXPERTS

4-5th May 2006
Newcastle upon Tyne, UK

Proceedings

EDITED BY
SUSAN CHILDS
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JULIE MCLEOD

School of Computing, Engineering and Information Sciences
Northumbria University

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Foreword

I am delighted to introduce the proceedings of a unique event that took place earlier this year. Northumbria University's first international Witness Seminar Conference entitled *Exploring the Essence of Records Management: Engaging with Experts* was held on 4-5th May 2006 at St James' Park, Newcastle upon Tyne. It was unique in the sense that it employed a different style that had not been used previously in the records management discipline in the UK.

The 'Witness Seminar' concept comes from oral history research where key participants in an event or activity are brought together in a seminar to discuss the topic as they remember it (see for example http://icbh.ac.uk/icbh/witness/welcome.html). The discussions are taped and transcribed, resulting in a rich data resource for historical research. We have applied the concept to experts reflecting on their experiences and ideas. Our conference comprised a series of seminars on pre-selected topics. Speakers (referred to as witnesses) were invited to share their views and opinions on the seminar topic and to take as their starting point a published article pertinent to the topic. They submitted their written views (witness statements) prior to the event and the people who had agreed to chair the seminars were able to see in advance the collective views. At the event each chairperson had the freedom to facilitate their seminar as they wished, their aim being to generate lively discussion and debate between the speakers and between the speakers and the audience. Each witness was also free to give their statement how they wished. The one rule was that no PowerPoint presentations or overheads were to be used, freeing the witness and the audience from this barrier to two-way communication.

The three main seminars explored aspects of the essence of records management, viz.:

- Embedding records management into business processes
- Is records management the management of risk?
- Who are the records managers?

These are issues of current significance to the records profession and the aim was to explore them by involving a broad range of professions in discussion and debate, exchanging views and experience, and reflecting and thinking about the future.

The semi-structured format created a very relaxed and enjoyable atmosphere, which resulted in very open and frank discussion. The experience was exciting and stimulating. Everyone was engaged. The discussion continued at the social event at

BALTIC Centre for Contemporary Art, the gallery housed in a former flour mill on the south bank of the River Tyne. The bonus of brilliant sunshine in early May was the icing on the cake, showing off the wonderful riverside of which Newcastle / Gateshead can be justly proud.

Whilst most delegates enjoyed the view of the bridges from BALTIC, three people acted as intelligence agents, gathering views on the essence of records management and exploring specific topics. The following day, guided by Carl Newton, they shared the intelligence in a fourth seminar 'A view from the bridge: issues and impressions'.

With the kind permission of every participant the entire 1.5 day event was audio recorded and then the tapes were transcribed. The result is that these proceedings capture not only the 'official' prose of the pre-conference witness statements but also the reality of the event. They are a record of the witness statements on the day, with only minor editing for clarity's sake. They capture the passion displayed, the links made, and the discussion as it unfolded. They are alive and hopefully impart a sense of the experience. I want to thank everyone whose contribution has been captured for agreeing to us publishing such an accurate, contemporaneous record and not just the 'sanitised' version. It is so much richer.

Judging by the feedback during and after the event we achieved our goal of hosting a stimulating 'thinking' event. We are planning the next one and hope to see you there.

Julie McLeod
November 2006

Thursday 4 May 2006

OPENING SESSION
2.00-2.15pm

WELCOME
Dr Julie McLeod
Reader in Records Management, Northumbria University

Good afternoon Ladies and Gentlemen. I am very pleased to welcome you to Newcastle and this conference - *Exploring the Essence of Records Management: Engaging with Experts* - hosted by the School of Computing, Engineering & Information Sciences (SCEIS) at Northumbria University. The rather long title of the conference will no doubt be truncated in any results list from a Google search, but it does describe the nature of the conference. It is very different and I believe it provides a unique opportunity in the field of records management, at least in the UK.

I am delighted to introduce Professor Alistair Sambell who is Dean of the SCEIS to say a few words to formally open the conference.

FORMAL OPENING
Professor Alistair Sambell
Dean of the School of Computing, Engineering & Information Sciences, Northumbria University

On behalf of Northumbria University and on behalf of the School of Computing, Engineering and Information Sciences I would like to welcome you all to Newcastle and to this conference. We are delighted to see so many people today but also that you have travelled from so many different areas of the world to be here. I know we have delegates from the Netherlands, from Australia, from Germany as well as from throughout the UK, so it is a real pleasure to welcome you here. I hope that while you are here and while you are in Newcastle, that you do have a chance to look around the city perhaps a bit of the University as well. We are a real cultural centre. Being at the football ground, to walk on the terraces here, is to really experience the heart of the city, particularly when it is in full flow of a match! Tonight you will hopefully get a chance to look at the BALTIC, see a little of the Quayside, hopefully see the Sage music centre, the new Millennium Bridge and experience some of the development and change that has happened to Newcastle, that has transformed the

city in recent years making it a really dynamic and exciting city. We have a beautiful day also.

We are particularly delighted to be hosting this conference today and tomorrow; it really reflects a long tradition, a long commitment to records management at Northumbria from Julie McLeod and colleagues in the University. Building on a campus-based delivery of a Masters programme in Information and Records Management we were, I believe, the first university in the UK to offer distance learning Masters provision in records management. We are hoping to see our 100th successful graduate from that programme this year. We have also been privileged to work with a large number of external organisations on work-based learning, including the BBC and The National Archives, in partnership with colleagues at other universities in the UK. We also have a strong interest in research in records management, have been very active in that area and have had some of the first research grants from the Arts & Humanities Research Council (AHRC) specifically in the records management area. So, there is a lot of innovation and development and strong tradition in records management which is reflected in developing this conference over the next two days. The records management area is a key part of the School of Computing Engineering and Information Sciences. As Julie said, this is not the snappiest title, but it does reflect what we are about and what we do. We are a relatively new school and we bring together a breadth of expertise ranging through areas including information and communication management, and of course, records management, through computing hardware and software, business information systems, through maths into engineering, communications, electronic engineering and mechanical engineering. What hangs that together as an academic school are a number of things, but particularly it is the principles and applications of technology and technology-based systems. The School gives us a unique forum and context in which to develop interdisciplinary work and I'm particularly excited about the records management area where the nature of the subject itself is changing and evolving so quickly, particularly with electronic records and intelligent records management, embedding of records management within the business context and within business systems. With records management being very much a key element in the School it is very excited about the possibility to look at and develop some of those interdisciplinary linkages and strands in which we are actively engaged.

The conference should be a very interesting one. The agenda is very exciting. It is a different conference in the way that it is structured, with the use of expert witnesses and so on. I think that will be innovative and stimulating and I'm sure everyone is looking forward to the sessions starting. I hope you enjoy it and I do hope that this conference becomes established as the first of many. Thank you very much.

INTRODUCTION
The aims of the conference and the 'witness seminar' format
Dr Julie McLeod

Before we begin the first seminar I thought it would be useful to provide some background to the event. Why did we organise it and what are its aims?

The concept was to organise a *thinking* event; something to make us examine aspects of record keeping, to encourage reflection on the *essence* of records management and to think about the future. An event that offered a different type of opportunity from the type of events offered by professional associations and commercial organisations. Such events are very important but our aim was not to try to replicate them or compete with them. And hence the decision to use a format that focused on exploration, and would encourage discussion and debate – the witness seminar format - or at least a modification of that.

Witness seminars have their roots in oral history. In the UK they have been pioneered by the Centre for Contemporary British History and the Wellcome Trust, but also used in, for instance, the financial sector (e.g. Lombard Street Research http://www.lombardstreetresearch.com/). Their purpose is to gather key people together to discuss a chosen event (or topic) and capture their testimony of it. The discussion, usually chaired by a senior academic or other leading person, is recorded and transcribed to form a record that complements existing written records, enabling a full account of the event (or topic) to be preserved for future research.

As I said the witness seminars in this conference are a modification of this format. Their purpose is not to recollect and document contemporary history (i.e. an event) but to explore issues of current and future significance to the records profession, i.e. aspects of the essence of records management; and to do that by involving a broad range of professions in the discussions, exchanging views and experience together, at one point in time.

Our invited experts and chairs, carefully chosen to represent a broad range of roles, include records managers, record keepers, knowledge managers, lawyers, IT and information systems professionals, business and risk managers and academics. They work in different sectors (public, private, academic) and come from different countries (the UK, Europe and Australia) with links to Canada I believe. And I would like to thank them all for accepting our invitation to participate and for their enthusiasm.

Each seminar will be conducted in a semi-structured manner taking as its starting point a pre-selected article. All of the experts have read the relevant article; I hope you have been able to read them all too. As you will have noticed, some are broader than the topic itself, others very focused. They also represent different geographical perspectives. Each article will act as a vehicle for stimulating the discussion. The aim is not to simply evaluate them but to use their content as a common place for all of us to begin our exploration of the three chosen topics. In other words they are a means to an end, not an end in themselves.

The Chair will ask each witness to present their views on the article and their position on the seminar topic in turn. He/she will then facilitate discussion and debate between the witnesses before opening up the discussion to everyone. And they will close their seminar with a short summary.

The principles of conducting the witness seminars are threefold:

1. the witnesses have the right of pre-emption, so the seminars will be facilitated so that they do speak first
2. the law should be observed (e.g. Freedom of Information, Human Rights, privacy and defamation)
3. confidentiality, in relation to your organizations, employment contract and/or experience, will be observed and respected. No-one is expected or required to represent the views of their organization if this is inappropriate, but to express their own views based on personal and/or professional experience.

Returning to the conference title, what is the essence of records management? This is a challenging question which could make a very interesting student assignment! And it's a question that could have been the focus of the first seminar but it is not. Instead, I would like to encourage you to discuss it during the breaks and this evening's informal event.

For the seminars we have selected three topics which are all essential aspects of records management but which provide more specific focus for our engagement with experts. They are:

1. Embedding records management into business processes
2. The relationship between records management and risk management
3. The records managers.

Regarding the structure of the conference, you will see from the programme in the conference notebook the order of these topics. This was a deliberate decision so that we begin with the broadest issue (business processes) which relates to the positioning and value of records management. Tomorrow we will move onto a more specific aspect of the essence of records management – viz. its link with risk management – before ending by looking at those people who are involved in managing records by asking 'who are the records managers?' All three issues are strategic and complex, which is why I think we should be able to have a lot of discussion and debate.

You will also see from the programme that there are two other sessions, but I will say more about those tomorrow.

The value and success of this event rests not just with the invited expert witnesses and chairs, but also with all of us. It is meant to be interactive. So, please do join in the discussion, under the management of our three chairpersons. Please do be provocative and challenging but please do respect the opinions of others. Most of all, do enjoy the experience of engaging with experts and exploring the essence of records management.

With that, I would now like to introduce the first seminar 'Embedding records management into business processes.'

SEMINAR 1:
Embedding records management into business processes
2.15-3.45pm and 4.15-4.45pm

Chair: Professor Michael Moss, Glasgow University

Witness: Steve Bailey, JISC
Witness: Peter Horsman, Netherlands Institute for Archival Education & Research
Witness: Gary Johnston, Audata Ltd
Witness: Barbara Reed, Recordkeeping Innovation Pty Ltd
Witness: David Wainwright, Northumbria University
Witness: Vicki Wilkinson, Royal Bank of Scotland

The starting point for the debate:

Hurley, Chris. What, if anything, is records management? In: RMAA Conference, Canberra, September 2004.
http://www.sims.monash.edu.au/research/rcrg/publications/ch-what.pdf

The author explores three "rivers of change" since 1970 that are relevant to records professionals – the technological infrastructure, the way business is conducted and the way recordkeeping is conducted. Believing they have a confluence in the question posed in the title of the paper, he concludes that records are different to other kinds of information, that they have a unique value and purpose, that records management is the understanding of how to ensure they are created and kept to that their value and purpose are preserved, and that records professionals need to make alliances with other information and knowledge professionals.

WELCOME TO THE SEMINAR
Julie McLeod

This seminar will focus on what managing records has meant in the past and what it needs to be in the future. Before tea, our panel of experts will explore this topic by taking Chris Hurley's article *'What, if anything, is records management?'* as their starting point and considering:

- What is the role of records management? Why manage records?
- Is a change of approach necessary? Records managers are information managers not business managers?

- What is the link between recordkeeping and business processes? Do we need to be concerned about integration?
- What do we need to do to embed recordkeeping and records management processes into business processes? Do we need to re-engineer recordkeeping processes? What will it take to be successful?

During the tea break I hope you can all reflect on the discussion and debate between the witnesses, and be ready after tea, when the Chair will invite everyone to join in the discussion and debate the points raised, the views expressed and add other views and opinions.

I'm absolutely delighted to introduce the chair, **Professor Michael Moss** from Glasgow University. Educated at Bath and Oxford, Michael trained as an archivist at the Bodleian Library and was archivist at the University of Glasgow from 1974 until 2001. Since then he has been research professor in archive studies in the Humanities Advanced Technology and Information Institute (HATII) and has published widely on many archives and records related subjects.

The expert witnesses joining Michael for the debate are: Steve Bailey, Peter Horsman, Gary Johnston, Barbara Reed, David Wainwright and Vicki Wilkinson. I will let Michael introduce them and say more about the topic. Michael and our first panel of witnesses, would you like to take your places at our round table?

Thank you.

PHOTOGRAPHIC RECORD OF SEMINAR 1

CHAIR'S INTRODUCTION

Michael Moss

Have any of you ever been to a Witness Seminar before? [silence] The purpose of a Witness Seminar is to raise the crap game. It is not, as Chris Hurley says in his article, which Barbara Reed tells me it is not very good [laughter], at the end 'it's not so much the knowledge of how, but of why'. If I can just illustrate that, James Currall, who is sitting there, and I are about to give a paper at Aberystwyth called 'We are Archivists, but are we OK?' [laughter] Those of you of a certain generation will know what that refers to, but I am going to quote it. 'I'm a lumberjack, and I'm OK. I sleep all night and I work all day. I cut down trees, I eat my lunch, I go to the lavatory. On Wednesdays I go shopping, and have buttered scones for tea.' We won't go on about women's clothing but that is, classically, not what this seminar is about. It is not about sleeping all night and working all day, it is about trying to *intellectualise* the issues that confront us, and that depends on people like David Ryan, who is smirking here, joining in. So we want participation and we want debate. It is Chatham House rules; it doesn't matter what you say, no one is going to hold that against you. So, off we go.

We have our seminar, we have our witnesses sitting up here, miles away from you, who will begin. And, our first witness is **Steve Bailey** [JISC], who has exactly ten minutes to put his case.

WITNESS STATEMENTS

Steve Bailey

Starting now! [laughter] Hello, I always get a little anxious about the title or mantle of 'expert'. It is quite a handle to have, and then somebody once reminded me that an 'ex' is a has been and a 'spurt' is a drip under pressure, and that made me feel much more comfortable about the whole idea of being described as an expert.

Hurley's article is, as has already been mentioned, particularly broad, and I think it encompasses all three of the themes that we are going to mention today. So apologies if I seem to dip into some of the others. Hopefully it is all relevant to the core of this particular topic.

I want to start by making, what may seem a bleeding obvious point and that is, that it isn't illegal to impersonate a records manager. Now why is this relevant? Hurley seems to assume that there is some relevance and some importance to us retaining some integrity and some individuality as records managers and I would tend to agree with that. But it is certainly right that we are operating in an increasingly crowded professional field, with information managers, knowledge managers, information scientists, you name it. But, what we have to remember is that we have no innate

right in law to actually occupy the position of records manager and that, if you fail to actually carry out whatever that role may be, and perhaps we will explore that in this session and some of the others, then there is nothing that we can fall back on to say 'ah, but, this is our role'. My wife, at the opposite, is a vet. If she doesn't turn up for work, no one else can do the operation. If we don't do what we are trained to do, then there is nothing to stop somebody else from taking that role.

What we also have to realise, as Hurley does in his article, is that there are other factors which have an impact, whether we like it or not, on the way that records are created and managed within an institution or an organisation, that we have little or perhaps no actual input into. In some ways you can see the records manager as part of a Venn diagram. We have what Hurley actually recognises as perhaps the most important of the circles, that of IT, in terms of driving the way that the profession is developing and moving forwards. Word processing, e-mail, skype, instant messaging and so forth. We are not techies by and large; we do not have the authority or the knowledge to drive that agenda but perhaps to pick up the pieces.

The second of the Venn diagram circles could be seen to be 'the law', and yes I appreciate that we do have professional knowledge and expertise in some particular areas; data protection, FOI - which often actually exceeds that of some lawyers that I have come across in the past. But that said, we don't have the professional gravitas or reputation within our organisations to be able to actually be listened to in the same way as the corporate lawyer.

The third of those Venn diagram circles, which influence the way records are created, is the business itself and by and large we are not experts in what our business does. I used to work in the pharmaceutical industry, but you wouldn't see me taking a drug that I had tried to design myself. So where does this leave us? If we take the positive spin, it's actually a very important and powerful position to be in, in the midst of those three, with a foot in each camp (if you can have three feet). What it means, is that you can actually co-ordinate between the three, you can ask awkward questions from one to the other and you can try and join up all of those activities. Of course, the flip side of that is you are seen as, and you actually turn out to become, the classic jack-of-all-trades-master-of-none, at the mercy of all these different forces but unable to actually do anything about them. This is particularly true in the IT field, where we find that we are always one, perhaps two, beats behind what is actually happening out there and what is of concern to users. You know, we are still trying to get our heads round how we are going to manage e-mail and the implications of it, whereas users are beginning to adopt skype and instant messaging and all these sorts of technologies which we are not even beginning to discuss the implications of. Some of our information management brethren, who are perhaps looking at how to exploit

technologies rather than the aftermath of them, are there and up to date with users' requests and demands in a way that perhaps we sometimes struggle.

I also think that aside from having this role of spanning these three different areas we do also have a unique selling point and it is one that separates us from the rest of the information management world. It is our equivalent of the opposable thumb that Chris Hurley refers to, but actually isn't an area that Chris Hurley refers to in the article, and that is our skills in appraisal, in being able to have a professional methodology for realising the importance of material, how long it should be kept and for rigorous methodologies for actually applying that. That is a skill and a core ability that actually everyone requires, whether they know it or not; whether it is the IT manager, whether it's the lawyer, whether it's the user. And when we demonstrate that, that's when people start realising that we do have the answers to their problems. What I think we often fail to do is to demonstrate that unique selling point that we have.

One of the problems I think we also face as records managers is in terms of the prevailing view of records management, that of its importance within an organisation. So go back, literally to the history book, and think of the two classic giants of science. Aristotle and Copernicus. Now why are these two guys relevant? As you may recall, Aristotle had a view whereby the Earth was at the centre of the universe and everything, the planets, the Sun, revolved around the Earth because of its prime importance. A couple of thousand years later, Copernicus came along and realised that that wasn't the case. Yes the Earth was very important, but it wasn't the be-all and end-all of everything. It was simply one of a number of planets, all going round something that was far more important and that is the Sun. I sometimes get the impression that a lot of records managers tend to take a bit of an Aristotelian view of records management; because it is so intrinsically and self-evidently important we assume it must be the centre of everyone's universe, our organisations' universe, our users' universe and can't possibly comprehend how it isn't.

Once technology, or rather the lack of it in terms of the current registry systems that Hurley mentioned where you even had to hand in your stub of pencil in order to get another one, may well have meant that the records manager was indeed of that kind of central importance. What we fail to recognise now is that of course the IT revolution has completely swept that away. It has empowered the user out of all recognition, and the records manager is kind of left pretending that he was still at that centre. What we can't do is actually assume that records management is the centre of everyone's priorities, just because it's the centre of ours. As an offshoot to that, what we can't do is simply impose what we like on the user and expect them to swallow it, just in the name of records management. If everyone was to accept that, regardless of Hurley's view that we are all record-keeping mammals, which I think is particularly

an optimistic view, actually most users couldn't give two figs about records management. Yes, the architect needs the plans when he needs them and needs to be able to find them. Yes, the chemist is interested in the chemistry research he has in front of him. But aside from that, their interest is absolutely minimal.

Hurley is definitely right when he asserts that business rules exist not to keep records keepers happy, but to achieve business purposes. The trick, however, is how to make them palatable to users and how to avoid the mistake of assuming that, just because we are right, that it will happen; it will not. Unfortunately, I believe that EDRM systems [Electronic Document and Records Management Systems] are founded on this rather arrogant, Aristotelian view, and our profession's obsession with them is having a detrimental impact on our professional development. Records managers seem to want to twist the organisation's priorities and the users' priorities to fit the technology, rather than the other way round. A lot of roll outs you hear say 'oh, we are not going to deal with line of business applications, we are not going to deal with structured data because that's far too complicated. We are just going deal with some of the simple document stuff', regardless of what may be the actual organisation's key priority. Likewise, most EDRM roll outs seem to be along the lines of 'well user, you don't have to work this way any more, you can't work this way anymore, you have to work this way, this is the way you need to do it from here on in'. 'Why should I? Why should I?' Perhaps it's little wonder that few EDRM rollouts seem to be successful. But also EDRM rollouts give a bit of a fig leaf to the records manager. We tend to think that we understand our business because we have written a file plan and we have a business classification scheme; that means we have unpicked every process, every nuance of the way that the drug development process works within an organisation, which is blatantly untrue.

So, I feel that what is required definitely is a change of attitude and approach on behalf of records managers. It is time to start actively considering the users' perception. It is perhaps no coincidence that within my own role, within JISC [Joint Information Systems Committee], I have recently been moved into the user environments team; the whole ethos of that team is looking at how technology affects the user and what the users' interaction with that technology is. And understanding records management from that perspective gives you an entirely different slant on it. So, it is a matter of stop judging and imposing on users and start trying to understand and help.

For the last two, three years in particular, the whole records management message seems to have been driven by compliance, an enormous great stick that we try and beat users over the head with; it's scary, it's threatening and it's ultimately boring to the user. Compliance arguments do win the initial support of management, there is no getting away from that, but ultimately it's going to be up to the user and their input

or not, that actually defines the success or not of your records management project or programme.

So what should our goal be? I came up with this phrase afterwards, then realised as I re-read Hurley's article that he actually uses it as well, so I think subliminally it must have crept in; our goal should be *invisible records management*. What do I mean by that? I think that Hurley says it extremely well when he says that 'quite simply the time has come to move on from record keeping systems to business systems that keep records'; and fundamentally EDRM systems are not that.

Unfortunately, early in the piece, he also raises but then discards what I think probably *is* the solution to this, and that's workflow. And he actually discards that as a topic that isn't for today, which is a shame because I think it would have rounded off what was otherwise a very interesting article. Fundamentally, it is a true understanding of business processes and the applications which drive them, combined with workflow technologies and our professional knowledge to map information governance on to them, that is the answer. We can't expect users to input metadata onto a record simply because we say it is important. What we should be doing is finding ways that automatically add in that metadata depending upon the process which has created that record. If we understand our business processes well enough and are able to map them and articulate them and actually join them up between line-of-business applications, the systems that actually do run businesses not records management systems, then actually we do have the facilities to make records management virtually invisible, if not completely invisible to the user. The records can, as I say, be self-describing; retention can be based on true, event driven retention, rather than arbitrary series wide levels.

Ultimately, perhaps our end goal should be the end of the normal dot doc template within Word. You don't create a word document unless you have a reason to do it. If you have that reason to do it, then those properties can be defined at source. The problem is that an EDRM system is not the key to achieving this and until we realise this, and the fact that our current obsession with them is in danger of turning us into an intellectually sterile vendor-led profession, we are never going to move in the direction that Hurley identifies that we must.

Records managers are uniquely placed to fulfil this role of mapping process to output, but it is not our role by birthright. It is up to us to prove that we do have the answers by drawing upon our own vital overview of IT, legal and business processes, and our unique skills in information appraisal. However, in order to do this we will need to start being less dogmatic and remember that it was Copernicus, not Aristotle, who was proved right in the end.

Hurley states that pleasing the desktop user has a high priority in the world of IT; my point is that it should be same in the world of records management too, for our sake as well as theirs.

Thank you very much.

Michael Moss

Has anyone got any questions or points they would like to raise before Steve sits down? [silence]

I take some things away from this, that I would like to come back to during the discussion. I take away *technologies* and I like to think about technologies from the point of view of an anthropologist, that this thing I have got in my hand [a pen] is just as much a technology as all these gizmos we see about us. I also would like to take the notion of *fetishing appraisal*, which we have just heard, and this *Aristotelian perspective*, and that *compliance is boring*.

There was an article in the Financial Times, it was from an accountant; he said he was giving up accountancy because he had become so involved in compliance and ticking boxes that he no longer attracted the girls [laughter] and he was going to become an investment banker! [laughter]

Our next witness is from the Netherlands. **Peter Horsman** [Netherlands Institute for Archival Education and Research] can I ask you to take the stand please.

Peter Horsman

Thank you. According to Michael Clanchy[1] literacy is not so much a matter of progress, it is just a thing that exists in society, but rather of distrust. If that is true, and Clanchy is an honourable man, what then to say of keeping records, the products of literacy. Is that a double distrust? Creating records is at least a distrust of its own or societal organisational memory. That is why Plato was not so much in favour of literacy, of writing things down. But because people don't read Plato anymore, but rather write their things down, there is a problem. The biggest problem in records management is just that there aren't many of them. Apparently, that is why we need appraisal and I think that appraisal should start before even creating the records.

[1] Clanchy, MT. *From memory to written record. England 1066-1307*. 2nd edn. Cambridge, Blackwell, 1993.

In this brief introduction I will focus on the last of the list of the questions posed in the book list, because the question, 'why should there be such a thing as records management?' is, in this room, what you would call in Dutch 'preaching to your own parish'. And we could never do it better than Steve [Bailey] did it. The fact that change in records management is necessary, we see everyday. In the Netherlands, and I am aware that I am speaking from a Dutch perspective, possibly records management is differently organised than in the United Kingdom; in the Netherlands the profession is in deep crisis. The Society of Dutch Records Managers used to have around 3-4000 members, now hardly 2000, and it's decreasing. It's not because there are less people working in records management, but that they don't believe in their own profession anymore.

I think we should first start to analyse the problem. One of the reasons is we create too much information. We are looking, at least in this session, on the link between business process and records management and I think that that linkage between business process and records management is almost lost. In the modern Dutch definition, we call archives 'process bound' or I would even prefer 'process embedded information'. But how is it bound? If I ask my students, because students like to learn by hard definitions, they say what is a record? They just jump on, give a solution, and say 'process bound information'. Great! How is it tied to the process, with a little rope? Or with what? And then they don't know.

In the Netherlands, over the last century, because in the analysis we should go further back than Hurley's memory, records management got separated from the business process, over indeed about 100 years. It became separated; it developed as a profession on its own, with its own methods and it shifted away from the business process. It started even to tell the people who were working in the business how to create records and how to file them. That happened far before Hurley's memory; it goes back to when he started his life in the public administration. Currently, over the last decades, the business process started to follow its own direction; it shifts also away from records management. Maybe because it was left alone by records management.

We all know about the complaints that the files are too cumbersome, that people prefer to put things in their drawer rather than relying upon the archive, upon the formal records, because they are difficult to find. Records management is not always, except for us of course, very supportive. Lately I heard a records manager saying 'well we have this kind of business agreement; if somebody wants to have a file, they have to apply with an official note and they get it within three days. If they really need it in a hurry they have to come here; if they write it on a note, they still get it in three days'. [laughter] That's how the profession will survive. The man was close to his retirement, so he kept to his rules; unfortunately it is too often true.

I hardly dare to confess it, I am not a records manager! If you saw my desk you would know why. But I love records management. It is just unfortunate that we don't have a proper records manager in our office; we are with 10 professionals so we all make our own mess. Lately we did research in a real organisation; we did an interview and we were sort of analysing a file. And by the end, I asked the experts who were working there, 'do you use your files?' And he said 'well, actually, hardly, because they are in another building. We have to cross the street and if it rains (that happens not too rarely in the Netherlands) we don't feel like going there. So I rely upon my memory'. So they had a sort of small booklet. 'But why do you create files?' 'Actually we don't know', 'because they have to be created.'

Business process is going away from records management and records creating. Business processes are using their own technology, that point will probably be repeated throughout this conference. Steve [Bailey] was mentioning it; Chris Hurley is focussing on that as well. The technology that business processes are using is increasingly independent from the technology of records management. It's always ahead of it. The link between the business process and records management is traditionally the making, the creating of the document, and as long as that technology was more or less the same and the procedures were the same, there was not that much at hand.

Once creating documents was at the very heart of what the civil service did and I will give you an example. When I started to work in the public environment, I will just behave like Hurley now and go back in my own memory, I worked in a small business firm. If we needed to write a letter we took the typewriter and we typed the letter, and then a second time and a third time and a fourth time, unless we had a sort of copy that we found acceptable to send to the client. OK, then we put it in an envelope, a stamp on it and we sent it away. When I started to work, back in the 70s, in an archival institution - the Municipal Archives of Dordtrecht - the first thing that people told me was that I was not allowed to write my own letters, and they wrote a lot of letters. No they had a special form, that they called a minute, for the draft. I had to draft or to type or write the letter and send it to the director who looked over it and, of course, made a few comments or improvements (that's what directors are for) and then it was sent to the secretary. And only the secretary had access to the highest form of technology, the formal letterhead and the stamps. So, she typed the letter, sent the letter with the draft to the staff, who had to correct it or at least read it, ad they gave it back to the secretary. She put the letter in an envelope and put the stamp on it. So nobody could even touch the creating of documents.

It was a very small organisation but it had a very hard discipline. That discipline has completely gone now. It has disappeared for many organisations. I remember in the

past civil servants had to go on courses and not courses in business processes but courses on procedures, not law indeed on how to create records. They don't do it anymore. People hardly know law anymore and don't use procedures for creating records. Not only are there too many of them [records], they are also pretty messy.

Email supersedes now, of course, sending regular mail letters. The government is promoting e-government, being electronic, so it gives freedom to staff. No doubt also in British public administration you find these disclaimers on websites and on email messages. According to Dutch law they don't make any sense. An email sent by a public officer is a real documents and you can go to court and claim that the organisation keeps to things that they say in the email. But email is rarely put into the files. Actually one mid-sized town developed an email policy telling the people how to use email etc; how to write an email message and how to file it. One of the rules was that if they had a feeling that the email message should be a record and be filed, then they should send it to the registry. By the end of the year they did an evaluation of the new policy – three email messages were sent to the registry out of millions of emails that were received and sent. What are these people doing all day, sending emails that are not records? I think that in the past it was not possible to make things that were not records at all.

Actually, the fact of course was they wrote many records and they sent them as an email. The fact that they were not filed didn't harm that principality, it's still short of money, it's still a political mess, but it is still a vivid organisation. Let's say it's the drifting away of the processes, this being the process, the procedure of making records. It is what Hurley calls when, let's say, the civil servant became a user. And also Steve [Bailey] was referring to it; that IT is starting to please the user - don't bother him with disciplines, don't bother him with records management, don't bother him too much with things such as 'well, you have to send this first to your boss'. Give him all the flexibility. Maybe that is the way in the near future the business processes are carried out, this is the direction we are heading for.

I am going back to the kernel now; let's say the linkage between records management and the business process. In organisations, because of the freedom that they get by the technology, at least that is the intention, the people who are carrying out business, are going back to the very heart of their business; they are doing the business without bothering too much about records, about record keeping. It's rather on communication or in doing things, getting things off, than about records. It is what Hugh Taylor used[2]; back to orality again, back maybe to just the memory, of the original memory, the personal memory, and not relying on records anymore.

[2] Cook, T. and Dodds, G., (eds.), (2003), *Imagining archives: Essays and reflections by Hugh A. Taylor*, Scarecrow Press.

The change in the business processes, how they are carried out, that is the place where the paradigm shift (I should at least mention once the 'P' word) is happening. How the business processes are done; how it's documented, or not documented; what users, clients, the society accepts, what's acceptable; whether we like it or not, and with or without records management, and that is the question. I think that for records management, the business process is changing in such a way that probably we just have to accept it and see what will happen in the next five or six years.

Thank you. [applause]

Michael Moss

Do any of the witnesses have questions? [None.] Well, thank you very much. I take three things from that, that seem to hang together. *Crisis; divorce; process*; and the fourth thing *mess*. I think we will come back to those.

Our next witness is **Gary Johnston** [Audata Ltd] if you would like to take the stand please.

Gary Johnston

I understand that if two women turn up at a social event wearing the same dress then the claws can come out! If two guys turn up at a social event wearing the same shirt they think 'that guy is looking good!' [laughter] and I say that because I think Steve [Bailey] had seen my contribution before we started [laughter] as there is some commonality in what I have to say.

When I looked at the topic it, somewhat strangely, brought a previous incarnation to mind: I'm sure you all remember the millennium bug, I spent some time Y2K testing on embedded systems. Embedded systems are in fire alarms, they're in burglar alarms, they make the air conditioning work, they manage the engine in your car and the timer on your microwave. They are those things that you don't know are there, but just get quietly on with their job. Which brings me onto embedded records management.

Any discussion on embedding records management into business processes has to start with the recognition that people are not employed to create records, let alone employed to manage records, except a select few of us! We should also recognise that records management is a support service, there to support the organisation in achieving its objectives, so organisations exist to make things, to sell things, to help

people. Records management is meant to be invisible and non-intrusive, something that happens, just like our embedded systems

I would like to mention two points at this stage. Firstly, people are employed to carry out specific tasks or activities, and I use the word 'activity' deliberately. As a result of them carrying out those activities, records may or may not be created; not all activities have an informational output. But mostly they do; so, people carry out an activity and as a result of that activity taking place a record is created. The record provides the evidence that the activity was carried out, which is what records are all about, providing the evidence that an activity has taken place.

Secondly, and related I think, is that classification schemes are important. They are a fundamental tool within records management. Most records managers are familiar with structural and functional classifications. Functional classification schemes are based on the functions and activities that an organisation carries out. Hence my use of the word 'activity' a moment ago. A functional classification tells you why a record was created, it gives you the context. A functional classification means that people don't have to know if what they are creating is a record or not. Steve [Bailey] mentioned EDRMS. Many EDRMS systems ask people to declare a document as a record and quite often they don't know; you can provide rules but people struggle to understand whether what they create is a record or not.

If we add these two concepts together, a recognition that records are created as a result of activities and that the records should be classified according to the activity that created them, then we have taken the first but significant intellectual steps towards embedding records management into business processes.

If it is as simple as I claim, why are we discussing it, why isn't it being done everywhere? I think there are two reasons that spring to mind. Many people will claim that building a functional classification scheme is too complex to do. The National Archives is backing away from specifying that government departments should use a functional classification scheme. Also people say that nobody likes to use a functional scheme. I refute both points.

A functional classification isn't easy to build, but it is possible. You can't impose a functional scheme or build a functional classification for someone. My own favourite description is that 'You can't do it TO an organisation, you can't even do it FOR an organisation, you can only do it WITH an organisation'.

You have to use functions that people recognise; you have to use the words that are meaningful to people; you have to use a vocabulary that people understand.

Functions are things that are done and should use *verbs*, strong verbs, to describe them. Activities are the same, they're things that people do and should be described using *strong verbs*.

If you don't involve people and if you don't use the right language it won't work. If you don't use strong verbs you'll end up with a structural scheme by accident, which, you could argue, is what the Local Government Group of the RMS [Records Management Society] have done. In terms of people liking a functional classification, if you do all the things I have mentioned, then people will take to it because they have been involved in its creation and it makes sense to them. Ownership and meaningfulness are great levers to use in change management.

Do we have the tools now to embed records management into business processes? Possibly, I think is the answer. We could construct our classification scheme using network drives and they give us some degree of access control but they don't enable us to manage our versioning, they don't allow us easily to implement retentioning. We could put them into the EDRMS, which would allow access control and retentioning, but as Steve [Bailey] said there are lots of issues still with EDRMS.

Future technology, and by this I mean the immediate future, rather than five or 10 years in the future, can also help with this. For instance, some of you may have heard of a piece of software called 'Groove' [http://www.groove.net/]. Groove was purchased by Microsoft a few years ago. It's not particularly well known and it's not particularly commonly used, but Groove allows you to create a workspace, a collaborative workspace. You have a document in that workspace, you can alter it and Groove will notify all other people that have access to that particular document that a change has taken place. If you move on to Office 12 in a few months time, Office 12 will actually show you where the change was; it will present you with the page that the change was made on. Because Office 12 is also XML based you will be able to include metadata automatically. So, as an example, you could define part of your classification scheme as belonging to Groove; you could take a document as a local copy onto your laptop, maybe do some work on it on the train as you are travelling back to work, connect yourself back up to the network the next day. Groove will know that a change has taken place, it will tell people that change has taken place, your metadata could actually act as a trigger to start a workflow up and your document could be routed around a process as it is meant to be. So, these are technologies that are on their way and quite soon.

The Groove approach [and what many people do know however] is application lead and not activity lead. By this I mean that when we want to do some work, we start an application, such as MS Word or MS Excel and then put the resulting document

somewhere; maybe in an EDRMS, maybe on a network drive, surprisingly often on a C:\ drive.

I have a quote that I want to read to you; it is from an article that was published two days ago actually [02.05.06], so it is fairly up-to-date. It was published on a blog by a chap called David Berlind on the ZDnet web site and the article is in response to another blog, this time by a guy called Bob Sutor who is the Vice President of IBM's open source and open standards division[3]. The article itself is about information sharing and how you can accomplish information sharing; it is about technology, rather than about records management. It talks about wikis and blogs and other things; but this part I thought was quite interesting, it says "by freeing ourselves from document-orientated thinking we clear the way towards developing more efficient collaborative infrastructures (as opposed to tying ourselves to the older less efficient ones). So, before we encode that knowledge into some sort of document and debate what the format it should be stored in before we mail it around, why don't we think about the most efficient way to share that knowledge and work from there?"[4]. It is an interesting article.

Workflow. Again it's mentioned briefly in the article, but then dismissed. Whilst workflow exists, and has done for a while now, it is often used within document imaging, and not nearly often enough for born digital records. Instead of double clicking on an MS Word icon on our desktop, we should double click on an icon that starts a workflow that emulates a business process. That workflow should present us with the correct template for that piece of work. It should move the record along the process and eventually put it into the classification scheme.

So, in conclusion, I believe that we, as records managers, shouldn't be just trying to embed records management into business processes, but that we are failing in our jobs if we don't. Collaboration tools are useful but they are not the answer in themselves. But until we reverse application-led IT and become activity led, which is a behavioural change and not a technological change, records and therefore records management will never be truly embedded into business processes.

Thank you. [applause.]

Michael Moss

Yes?

[3] Bob Sutor's blog http://www-03.ibm.com/developerworks/blogs/page/BobSutor?entry=how_do_you_share_documents

[4] http://blogs.zdnet.com/BTL/?p=2964

Stephen Bailey

You mention things like Groove and Office 12 and the way that they are incorporating records management functionality. It struck me there are two ways of looking at this, either optimistically i.e. 'we've won, records managers have won, IT have taken our message and they are running with it' which is great; or, 'we are missing the boat here guys, IT are doing it, making a ham-fist of it and we are not onboard'. I was wondering which of those, or perhaps a third interpretation, you have on that?

Gary Johnston

No, I am inclined to go with the second option of the two, that IT have grabbed some of these things and they are running away with it, but don't have the fundamental skills to be able to do it well.

Michael Moss

Any observations? Thank you very much, I take some other things from that. We've got *tools for the job* we've just heard about; we have *strong verbs, classification* and *evidence*. Our next witness is **Barbara [Reed] [**Recordkeeping Innovation Pty Ltd] from Australia, who has written pages and pages; I would encourage her to keep to her 10 minutes. [laughter] Barbara - perhaps you will speak very quickly.

Barbara Reed

I shall speak very quickly; and I should say that Michael has 'dumped' me in it (!) by saying that this is not a very good article, which is only in the context of Chris Hurley, because he is known to be an extremely erudite and very, very thoughtful person. This is a conversational Chris Hurley. It is not the Chris Hurley I am used to reading.

From my perspective integrating records into business processes is a no-brainer. That is what it's about. That's what records are, they come from business. To use Chris Hurley's words 'records don't grow or come fully formed from underneath a cabbage patch, they are created as an integral part of the doing of business'. And that in fact is our history; that is where we come from; that is the background of archives and records management, and you will note that I have put the two of them there. And I think that where we are coming from, an integrated approach, understanding the background without being tied to the ways we used to do things, is a really important message.

So, just to sort of follow that historical trend that Peter [Horsman] and Chris [Hurley] took, 19th century registration systems are proto workflow systems. The way those organisations did business was document driven, and the way the documents worked in those organisations were through a registry system which actually pushed things through the organisation in logical steps. So, we actually are building on technologies, to use Michael's [Moss] broad sense of the word 'technologies', that are deeply embedded into organisations. And, in fact, where I started in my career there was the still the case that I could meet a Chief Executive Officer who started his career working in 'the registry' because it was the best introduction to what the organisation did and who did what and where the flows of information were. Now we've lost a lot of that and I'd like to pick up Gary's [Johnston] point about being 'document-driven'. There is document-driven computing, but not everything these days is document driven because of the way the business has changed. The technologies have in fact split the action of the business out from one unified way of doing it into many, many different systems. So we do need to think about refocusing our message into business.

I had the experience, very early in my career, of going out to look at an organisation which had fantastic records management; a lovely system, beautifully worked out and run by professionals. The trouble was it wasn't catching the records that actually the organisation needed for its own requirements. So all of the stuff that was really risky, stuff that they needed to be pulled up in front of court, was kept completely independent from this beautiful records system. And I think that is the problem that we face when we think about records management in isolation from the business systems. You can have beautiful record systems, beautifully managed, but are they catching and are they managing the right stuff? And I would suggest to you that in fact we are failing quite often, in catching the *right stuff*.

My take on this is a bit like Peter's [Horsman]. I think we need to refocus on the basics, because for me, refocusing on the basics then enables you the flexibility to play with those basics. But, if you don't have the basic understanding of what records are about, you don't respect what is different, or have the ability to articulate the perspective that we have to offer in larger information debates. And, to use the words of an IT colleague who has just discovered this, *'it's the context stupid'* is the way we should be thinking. This is actually all about 'what do we bring that is different?' It's the contextual understanding, because what we are trying to prove is authenticity, reliability - those wonderful words that the ISO standard[5] puts in front of us - because we are trying to *prove action* and that's what we bring that's different. And we can't do that by being content managers, and we can't do that by just relying on

[5] ISO 15489-1, (2001), *Information and documentation - records management. Part 1: General*, ISO.

search capacity, and we can't do that by doing it after the event; we have to catch the reflection of the event, integration to business process is fundamental.

To pick up a point that Gary [Johnston] made in relation to classification. I actually don't disagree with any of the points he is making, but I think we are doing classification appallingly badly; and functional classification, theoretically the way we analyse business, is in fact logically the way we should classify. But I would argue that we are imposing the subject-orientated, paper-based thinking on our notions of what classification is and not actually achieving the integration and the process driven analysis that we need; nor the appropriate layers of *granularity*, because in the electronic world we are at a different layer of granularity than we were in the paper world.

I'm actually out there criticising (don't take this as an Australian point of view, because in Australia I'm often regarded as controversial) but I don't want to leave you with a negative view. In terms of the technology, if we get our act together and we can articulate what is different, what the context means and how to catch it, we've actually got some fantastic opportunities with the technology that is around.

The technology that I'd like you to think about is *web services* and the service orientated architectures that are around; they have been emerging for a while. I guess I've come through a period of focussing on workflow. That's not necessarily a particularly new technology for us, there have been people talking about and re-envisaging how records would work in a workflow orientated world for a number of years. The trouble is the technology hasn't been there to support the vision; but with web services we can actually begin to see things happening in a slightly different way, and we can begin to think about delivering records in a different way. So now, probably the state-of-the-art applications that I see are beginning to inherit and catch records created in a business system into the reasonably traditional records systems. This is using the systems in a slightly different way, with the business system doing the creating with an automatic catching mechanism into the records system. That's great; but I think it is only the very first step of a much more expansive process of reinventing record keeping which is to think about no application systems, but only componentised tasks. This involves reinventing our own records processes as things that we can invoke and use to embed within systems.

Does this make records management invisible? I have always hated that because actually I think that people need to take responsibility, they have to know that they are going to be held to account. So the notion of making it completely invisible is something that I've been slightly against. But certainly technologically we don't want the onerous systems that in fact Steve [Bailey], Gary [Johnston] and Peter [Horsman] have been talking about. I think we are actually very well placed to take

note of the technology, the way to deliver the technology and we are doing some work on reusing metadata, clever use of metadata, which is actually beginning to show some of this stuff in action and how it might work into the future.[6] It is however quite a different world than the one we're managing in an EDRMS application. It's operating at a different layer of granularity, it's got a different layer of process analysis and it requires quite a conceptual rethink of what we think records are and how we deliver those records services, which needs us to be very focussed on 'what we are trying to achieve'. We should continue to be focussed on records, as reflections of business activity, captured in the context that they occurred in, in order to prove the characteristics that we need records to have, reliability, authenticity, you know all those wonderful words.

It's not about storage, although (I just want to say that really loudly) the techos [sic] say that storage is cheap; but if you look at the applications that our organisations are being offered at the moment to problems such as email, you'll see that they are storage options. The claims of the big e-mail management systems, that 'we've solved e-mail', are actually creating the intellectual equivalent of a basement, with everything literally thrown inside, and shutting the door, and putting a search engine over the top. That's not records management, that's not things in context, that's not things linked, so that we can prove authenticity. That's just *junk management*.

So having said that our technologies are being driven by this type of view, there are alternative views coming out. IBM has just discovered context, it seems, and they have just announced that they are going to put [$]1 billion and 25,000 consultants working in context management.

So none of what I'm saying it is particularly new. We have a really, really important voice to be heard there, but we have to have a very coherent message. It's critical that we don't have records management silos sitting separate from the business because you won't actually be doing the stuff the business needs done. Technologies are emerging and we need to be able to play with those technologies and integrate them and use them in very creative ways. But always we need to be very clear on what we need to achieve before we can actually do that. Keeping a focus on the records stuff, as Chris [Hurley] advocates in his article, is the way to steer through some of the change. If you think that way you can work out what to jettison, what was just paper-based practice, and what you need to stand by the wall and defend.

Thank you. [applause.]

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[6] *Clever recordkeeping metadata project 2003-2005*, http://www.sims.monash.edu.au/research/rcrg/research/crm/index.html

Michael Moss

I take some things from that - we've come back to *'crisis', 'context stupid', 'integration',* the important issue of *'responsibility and accountability'*, which I would like to come back to after tea, and that great message all about *'storage'*. Who knows about President Clinton's e-mails? [general chatter] And you say 'are they all in files?' No they are not in files, they are independent units. 'Why do they exist?' Because when you see the delete key in the Whitehouse, a message comes up in red and it says 'Destroying federal government property is illegal and a felony and you will be liable to x number of years' imprisonment'. The petrified user immediately hits the cancel key and saves the message, not in a file or filing cabinet but in a vast dump of stand-alone objects. Then you're stuffed, then you have to employ Charles Dollar at vast expense trying to discover stuff from it.

Well our next witness is **David [Wainwright]** [Northumbria University] who is local.

David Wainwright

Hello, I'm very local, I'm from Newcastle. I think I am a bit of a cuckoo in the nest here to be honest. I'll explain that in a minute as we go along. But up until today, if I had set out my stall, I think Julie [McLeod] was the only records manager that I actually knew I didn't realise there were so many of you! [laughter] That's not to say that this isn't a big discipline etc., it is just that I haven't actually interacted with them in my 20-year career so far. I don't think so anyway, and that's quite staggering really when I think that I've been working in the field of information systems since 1987. So that raises an interesting point in many ways and that's the way that I would like to focus my particular talk.

Many things I agree with my fellow panellists in terms of what they have been saying, but I guess one thing I do agree with is this thing being a no-brainer, embedding records management into business processes. Yes, that's as much as I can say, yes we should. But the question is how? And how much impact that will really have? That was the real problem, but that relates to other problems that are out there in other disciplines etc. It was nice to hear this kind of discipline debate about records management as an area, business process and the convergence of the two things. Nice to hear words like Copernicus and Aristotle and this thing about, which is on the periphery and which is at the centre? Because I think that that does raise a kind of image in your head in terms of why perhaps we are not that good at records management, due to various things that are going on in terms of the way that we think about this.

If I just illustrate my experience of records management. As I say, I am not an expert on records management, but I do a lot of business process modelling, business process mapping. I use state-of-the-art software to do that, and I both do that in academia and I write about it, but I also practice that in terms of consultancy. If I illustrate that with a little description about a consultant job that I did with a small company, and this is typical when you think that small companies make up 99.9% of what happens in the world in many ways. If you look at the economy, 99.9% of organisations are very small, up to about 30 to 50 employees; this is a typical company. This company has about 50 employees, however they do very large projects indeed. I was brought in to help them look at their systems, towards an IT system eventually, but initially looking at their paper systems.

From initial analysis, what struck me immediately was that they had five records management or filing systems in use. In their main office they had seven files, which they relate to every project that they have. Then to my surprise I discovered that on every site there are seven further files and then, to my further surprise, that actually the files on the site didn't necessarily relate exactly to the file in the head office. In other words it could be different versions in different forms in the two files. That's the paper system. What about the electronic system I thought?

> 'Well, OK we do mirror that; we use Windows. We use Windows folders on our central file server for everybody to share and that's divided up into seven files per project as well; and we have seven corporate files as well as seven project files.'
>
> All that's good. 'So does that information relate to, or is it the same as what you've got in the folders, what you've got archived or put on the shelves?' 'Well, not necessarily, that's just what we put electronically in there.'
>
> 'What other information have you got?' 'Well we've got e-mails as well.' 'So where are those?' 'Well, they are in everybody's individual e-mail boxes.' 'Do they relate to the projects?' 'Yes they do, but we might take off an attachment occasionally and put them into the shelved folders electronically, and put them into the filing system manually.'
>
> 'OK what else have you got then?' 'Well, we do have archives as well, so we do legally have to keep archived information; we occasionally put it over into that corner over there.'
>
> 'What else?' 'Oh yes, at home we have typically, we might have two or three computers, because the kids have got one. Sometimes they don't work, so we

> work on different computers and we have different versions on different computers.' 'Anything else?' 'Oh yes, one more thing, we have all these little USB sticks as well and we keep information on there.'
>
> So I said 'well how do you ever know which is the latest version?' 'Well, we work it out eventually' they said. 'Do you not really think you should have a better system than this and umm …' 'Well yes, but we don't know how to do it basically and we are a small business, we've got no resources. [Administrator 1] does all that, or tries to do it. She runs the office systems and she does everything else; she makes the tea and is the receptionist as well. I know we have [Administrator 2] who comes in two days a week and does the accounts and she does something to do with project costing and she uses that computer over there which isn't connected to the other ones, because we don't know how to'.

And that is a typical business. 99.9% of businesses are probably like this, and we talk about records management and the impact of it on business processes.

Well, on the ground there isn't an impact. These people are just really getting on with it and if they are lucky, or unlucky in my case, they get somebody like me coming in to do some consultancy with them; trying to do a business process mapping exercise to see how these record systems might be better organised. How they might be embedded into a proper business process or proper workflow; and I try to map that out with them. All for well charity really, because I could get more working in the pub. They may be the lucky ones, but nobody wants to pay for that sort of thing basically. Just go to a small business, they don't have an IT manager, somebody in the business gets on with this. They do know about technologies; they would like an intranet to be developed. We are looking at something like Microsoft SharePoint[7] as a collaborative software solution maybe, or something else. As I say they just really get on with it. So, that is a typical scenario everyday from my perspective as an information systems person.

But I really like the Chris Hurley article; I find it very interesting. It raised recollections in my mind of a debate that we had in the information systems world about 10 or 12 years ago now. The 'what is a zebra?' debate basically. We had 'What is IS?' It sounded quite catchy at the time. Then we extended that to 'what is IT [as in 'sit']?' You can see how this sort of spins out. Various papers, like the Chris Hurley paper, were written about where this subject has come from and where it's going to.

[7] http://www.microsoft.com/uk/office/sharepoint/prodinfo/default.mspx

I was just on the IS World website[8] this morning and I thought I would have a look on the discussion threads. And this discussion is still going on – 2006! A few days ago Frank Land, who is an Emeritus Professor at the LSE [London School of Economics], contributed to this debate with people from Taiwan and America. Still debating 'what is this subject of Information Systems?' And we still haven't properly defined it. And that is the problem, in many ways, when we are talking about embedding records management into business processes. We don't really have a collective view of what we are trying to do, and therefore, if we don't have a collective view and we don't get this common thread, a common message, the resources out there are not being supplied to effectively do anything about it and that's our problem.

There are lots of initiatives at the moment, and this is one thing that I did pick up from the article. This crisis, this chaos or whatever the strong words you want to use, or disagreement or angst that's out there. What is records management? What is archiving? Where do these professions fit into the great scheme of things? Are they separate entities? Are they morphing, to use a trendy word, into something else? We have had the same debates and arguments in Information Systems and we have to separate our identity from Computer Science. And that is the worrying part of things at the moment that resources go one way and they don't go the other way.

So this is the problem as I see it at the moment. It's really a debate over where does records management fit into the great scheme of things and that's where we come back to; I really like the idea of Aristotle and the Copernicus idea. Is records management something in its own right or is it a part of an evolving subject area; which is going to have more credibility and more importance in the future?

Now, something hot off the press. A colleague of mine just emailed me this morning, about a new document that is supposedly making big waves in the computer science world. It's a document by Microsoft, in cooperation with Cambridge University professors, talking about computer science[9]. Effectively, the report and the think-tank is arguing, and a lot of people are taking cognisance of this, for computer science now to be seen in its own right as a true thoroughbred science in the way that maths, physics and chemistry are. Therefore, putting them together and creating whole new centres of science, which have computing and these other core sciences within them. So that is computer science gaining its identity, or developing a path, to gain more funding I guess, and to be taken more seriously in the world than it currently is. That's got its ramifications in my own field of information systems, because

[8] http://www.isworld.org/

[9] *Towards 2020 Science*, http://research.microsoft.com/towards2020science/background_overview.htm

computer scientists say that information systems is part of computer science and we obviously say it's not. It is something very distinctive, something very separate about it. And the same argument is true for records management, but it's within this kind of debate generally. And there are lots of problems because of this; because we haven't got a common message on what our subject or our discipline actually is. And 'discipline' - you have to use that word very carefully if you are going to use it - because there has got to be a body of knowledge, there has got to be an accumulative set of theories and core sets of theories within that; what are we actually? That's why I say that records management and information systems have got a very similar problem here - what is core, what is periphery? That is an important debate. But the downshot [sic] of all of that is that we are suffering.

In universities we have an ageing workforce in these fields. I think at the last RAE [Research Assessment Exercise] in my own subject area, the average age of submissions, or the average age of people submitting, was 48. Our biggest problem at the moment, something that we are hit really badly with, is falling student demand and that is a worldwide phenomenon. I've seen the debates world wide on this, in the fields of business information, information systems, computing and those types of areas. So, where are these new people going to come from who are going to have the skills, competencies and expertise; the types of skills and competencies we are talking about for records management and to know about why it's important, to know how to map a business process, to know how to make a workflow work and have the skills for the technology; to put all this together as well, notwithstanding all the social and human skills that go with that?

So I think there is a bit of a crisis at the moment. That's why I liked Chris Hurley's article because he raises this issue in a very gentle way in many ways. He could be much more polemical about it I guess. But it does have lots of parallels in my own discipline; as I've said there is something a bit more fundamental about this. The word 'essence' springs to mind. It's fundamental. And this question of embedding records management into business processes, as I say my colleague down there said, 'it's a no-brainer' you have to do this. But it is how you do it, how you spread the message because everything is in a state of disintegration and fragmentation - the majority of organisations I work in and I see.

That's a sorry state of affairs, and I think it is a very serious state of affairs, especially when you look at major projects like the English NHS (National Health Service) IT programme[10]. £6 billion to £30 billion could be squandered if that all goes wrong, and it is all going wrong at the moment because there isn't a common record - but maybe it will work if we get this subject better defined.

[10] *National Health Service IT Programme,* http://www.connectingforhealth.nhs.uk/

OK, thank you. [applause.]

Michael Moss

Any comments?

Stephen Bailey

It just crossed my mind when you were going through the story of helping the small company and the work you have been doing for them, whether you would ever feel the need to include a records manager as part of your project team? Do you feel there is anything that we could add to the party or whether you've got it all sewn up? Because I think it might say some interesting things about whether we can add something to that party.

David Wainwright

I'll say again, 'no brainer'. Yes, I would love to add a records manager to my project but I don't know many records managers and the very few that I do know are incredibly busy; it is as simple as that.

Michael Moss

I take two of the issues that I would like to carry forward from what David [Wainwright] had to say. One is about *integration* obviously and the other, which he said in a rather gloomy way, is about *capacity building*. Well, our last witness is **Vicki Wilkinson** who is from Royal Bank of Scotland.

Vicki Wilkinson

Well I was quite nervous about coming along today because as Michael [Moss] said, I come from Darlington. I'm actually a Sunderland supporter, so coming in to St. James' Park is a big thing for me I have to tell you. Let alone being in a room faced with lots of records managers; but faced with all these Newcastle United footballers, [the walls are adorned with photographs of footballers past and present] it's just too much really!

Hurley's article actually made me feel quite sad, I have to say, and I'm not a sad records manager I'm a very enthusiastic and passionate records manager. Hurley talks about his journey from intellectual adventurism to senile reminiscence. Now my journey, I like to think, is only half way through. Lots has changed in recent years and I did have many thoughts in my mind when I read the article. But, as I said at the very beginning, I am a passionate records manager and my view is that the principles

of records management have remained unchanged from the days of the National Archives of America in 1934 and Schellenberg in 1956. To paraphrase, records management was, and still is, 'the professional discipline (and I use the word 'discipline', picking up on what David [Wainwright] just said, very carefully) to control the creation, the receipt, the maintenance and the disposition of records throughout their lifecycle'.

Nothing new there then. Records are the products of the business functions, activities and transactions – no mention of the word 'process.' I will come on to that in a minute. Records managers need to be involved at the coal face, they have to be involved at the creation point or the receipt to ensure that the records and the systems are functionally based and that records are classified, picking up on another term that somebody else used, according to those functions, activities and transactions. And the successful records managers in the past and in the present, and I think in the future, are those who understand that.

So what went wrong? What makes me sad about Hurley's article? Well, too often in the past, I think we ourselves haven't ever truly understood records management and it is complex, as Steve [Bailey] said at the very beginning. And I think a lot of records managers have either chosen, or found, easier niches. The niches typically in the 1960s and 1970s were the registries, and that was easily intelligible to people, to the outside world, as records management. But it made us nothing short of glorified filing clerks. As Hurley says, it involved classification, filing (great), indexing, registering, storage, loans, microfilm, boxing, shelving and everything, in short, to do with the physical handling of physical materials. But it wasn't records management.

In the 1990s the game moved on – this is when I first came into it – and there was the dawn of the records store; and we had an opportunity but we didn't grab it. Instead of talking about and doing records management, we concerned ourselves with being store managers and warehouse managers. In fact I have experience of running these in-house records stores. I worked at a building society and we had a lovely neat and tidy in-house records store; it held everything from the company accounts to my records management assistant's girly magazines! So records management is an education. I have also been involved in the world of outsourced records storage, where anything can go into those fabulous warehouses and frequently does; anything from Christmas decorations to odds and sods. As Hurley says 'records management remains something you did to stuff *after* it was created' but it shouldn't have been. Of course, that is tinkering round the edges and it was a dawn of a new era when records managers embarked on departmental surveys. Great we thought! They are trying to, *we* are trying to, create retention schedules. But it was unsustainable. We were constantly reinventing the wheel because the dynamic nature of the records wasn't taken into account. We weren't involved in influencing, we were creating

lists; we weren't interested in official records or unofficial records, no understanding of information flows or sharing. And rightly or wrongly, this is where the chinks in our armour started to appear and where our critics started to define records management because they thought they could, and we let them.

Of course that is a gross over simplification. But, my point is that we had perfectly good blue sky thinking in 1956 and it was us as records managers, us as a profession, who failed to grasp the nettle, who sold ourselves short and who chose the easy option.

Now I do agree with Hurley that it's the 'how', as Tom Peters would say, that has changed. Technological developments mean that records management goal posts have moved. Paper glued everyone together, as Hurley says. But the PC has created virtual workplaces; there is a loss of corporate control. And for those who thought that records management was a separate compartmentalised process at the end of the chain that created threats. For those of us who have always believed that records management is part of the business, then actually this was an opportunity; we believe in permeation, not infiltration. The challenge is to make everybody do records management so that when people like Hurley say that records management was taken for granted, that's a good thing. Of course e-mails and texts and Blackberries make it harder to determine the record and there needs to be a cultural shift between 'my record' and 'the corporate record'. Business processes in the past have resulted in the natural accumulation of records and new technologies and procedures can fail to create or capture the records, but, (this is where it gets a bit exciting, this is my bit of French!) 'plus ça change, plus ça rest la même chose'. That means you might have thought it has changed but it hasn't.

So, is records management actually *anything*? Well, I think, and I am back to being passionate again (!), it's something – with a capital 'S'. It's an enduring paradigm but with new opportunities; an ancient and honourable profession, as one of the other panellists has said. But it is not, nor was it ever, a separate compartmentalised activity at the end of a chain; nor, as some may think even now, is it just common sense. Hurley says that records are necessary to the conduct of business. I would say, hang on a second, that is no where near strong enough; they are an intrinsic, fundamental part of a business; they are evidence, but evidence in their broadest sense. If it ever was *nothing*, it was because it was seen as a series of sporadic, unrelated efforts to control records, instead of an organised structured and logical approach to the creation, the maintenance and the disposition of recording information. It is *something*, because it is done continuously, or it should be; it's intuitive, or it should be; it's subliminal, or it should be. It is part of the business function, activity and transaction. It needs, and should be embedded, but at what point should it be embedded? I would hate us as a profession to miss a trick and say

that it should only be embedded in the *business process*. It needs to be embedded, we need to be flexible, and embed at the *activity* level as well.

The evidential quality and the transactional content is what distinguishes records from other information sources and it's our skills in managing that that separate us from information managers or knowledge managers. But records management isn't subordinate to anything; it's the leader of the pack because records management is more than just data. I do agree that all the record keeping disciplines need to work closely, that we need to pull together, in case we fall apart. But my preference, if somebody does have to ask a Thatcherite question, would be for the records managers to be asking 'is he or she one of us?'

So, just as the tea is being set out, in my considered view the principles of records management haven't changed. What Schellenberg told us is as true and as relevant today as it ever was. Hurley says the record keepers are sometimes portrayed as anal retentive obsessives, (I think I am getting into football language now!), so obviously we are a glamorous profession (!) But we need to affect a cultural shift. Sadly that's within our own profession, as well as amongst our critics and our users.

The final question that I would like to leave you with is, 'is the gap between the old guard and the avant-garde illusory or is it an unbreachable dichotomy?'

[applause]

Michael Moss

Have we any questions for Vicki [Wilkinson]?

Barbara Reed

A comment perhaps. I am really concerned about this integration. I could run an argument to say that the reason we forgot about records management and its fundamental characteristics, was that it is so embedded in the paper based way we did work in organisations that, when we automated it, it was invisible. Therefore it doesn't exist any more. So I think there is a real dilemma there.

Michael Moss

Any other comments? Vicki has taken us back, very strongly, to many of the themes that we have heard from other witnesses. It is not about *storage*, we have all been to those warehouses that spend far too much money to store their Christmas decorations. She's talked about *strength, leader of the pack* and the whole notion of the *evidential policy*. We've heard some new ideas - *permeation, cultural shift* and I

think the important issue of the *dynamic nature of records* is highlighted particularly when we shift into a digital environment.

We have virtually no minutes left before tea, but if any of the panel want to make any further statement? [No comments]

After tea there will be a discussion that I will try to guide. The panellists have a certain degree of pre-emption, but only a certain degree. It is up to you to pose some questions, develop some points, explore some issues that we can then generalise and panellists can come back to them towards the end of the session. It is really over to you after tea. So, go away and think about the issues that we have addressed in the last hour and a bit, where you would like the discussion to move to and the sorts of topics that you think are central to advancing the subject that we have for this first session of embedding records management within a business process and 'business' in the widest context. Can I thank the panellists for their contributions. [applause.]

OPEN DISCUSSION

Michael Moss

This afternoon it is a bit like question time in that I may ask questions. But we have a furtive question that David [Ryan] posed to me over tea, and I want to start by looking at *compliance*, *evidential value*, *context stupid* and *integration*. David, come on say something about compliance. [laughter]

David Ryan

As long as you don't expect me to do any singing! [laughter] I've noticed over the last couple of years that there is a lot more focus on issues such as information security and compliance. Would anybody on the panel like to talk about that and how they think that is going to impact on this embedding records management in business processes?

Michael Moss

Before the panel responds, has anyone else got any issues or comments about compliance as a driver? Susan [Healy] [from the audience] has a comment on compliance as a driver.

Susan Healy (The National Archives)

In the short term it's very valuable because it attracts people's attention. It may not in the long term persist, but once you have got the attention, you can use other things to build on it and keep the attention. A 'threat' can actually be very productive.

Michael Moss

Basel II or Sarbanes-Oxley, has anybody got a SOX[11] comment? [no reply] My daughter works in a large financial institution. She spends a lot of her time at the moment looking at Sarbanes-Oxley compliance; she has to do that because the auditors insist on it. Is there a records manager to be seen? No. She said when she was a child, the last thing she wanted to do was to be an archivist. What is she doing? She is being a very highly paid archivist, but she has nothing to do with records management.

Vicki Lemieux

Yes, I would probably agree with that, I work in a large financial institution as well and the place is crawling with people who are doing SOX compliance work. And it's accountants of course doing that sort of work, though they are looking at aspects of

[11] SOX or Sarbanes Oxley Act, 2002 is the common reference to the *Public Company Accounting Reform and Investor Protection Act of 2002*, http://en.wikipedia.org/wiki/Sarbanes-Oxley_Act

record keeping. But on that note, I started off as an archivist and I now work in technology risk management, and so I think if the mountain won't come to Mohammed, Mohammed has to go to the mountain, or however the expression goes. I think as records managers we somehow wait for people to come to us and ask for our great wisdom. What about getting out there and speaking the gospel?

Michael Moss

Can we just advance that a little bit. Any comments on technology risk management? Although it strays into tomorrow, I think it's pertinent to this. Anybody willing to speak, to reflect on risk management as an issue? Anybody thinks it is important? Who thinks risk management is important in what we do?

Clare Cowling

We're about to do some risk management information security outreach work for solicitors at their request and I got involved because I am a records manager fortunately. So it is terribly fashionable. So let's get in there. But the big thing about solicitors is they say 'please don't confine it to IT, to technology.' That is the message from them as well. [From the audience 'hurray'.] Well yes, that's what I said as well hurray, hurray, so there is a lot of PR work to be done there.

Michael Moss

How many people in the audience have been engaged in risk management? [Not many hands were raised.] Panel have we got some remarks?

Vicki Wilkinson

I think compliance is an interesting one and it is a good 'stick' as Steve [Bailey] said at the very beginning, but it can only take you so far as people have already said. I think that we need to decide as a profession what is sexy, and at the moment compliance things are sexy. What I find in my own organisation is that compliance is very nice, but the financial world has very few rule driven things. So, if you look to the Financial Services Authority to give you that compliance stick they will say, 'sorry, we will give you the guidelines but we won't actually give you the rules, you have to interpret the rules yourself'. And that's where there is an opportunity for us. There is also though a very interesting blend with risk there and we are very heavily involved in risk management at the Royal Bank and how that effects compliance and the balance is our risk appetite for whether we should be compliant or whether we shouldn't. I think there is a lot of mileage in that for us as records managers.

Sarbanes-Oxley is also a very interesting one for me as a records manager because the Sarbanes-Oxley team came looking for the records management team because

there are words in Sarbanes-Oxley, especially in Section 404, that say that you have got to keep records; you have got to keep audit trails. And people have seen the words that they understand, picking up on what Gary [Johnston] was saying earlier on, but yes if you talk the same language people will listen to you, and if you talk a good enough game as well. Maybe this is something that is stretching on to what we are going to talk about tomorrow, about who are the records managers. But if you have the right people talking the right messages there are lots of opportunities. But I agree with Vicki [Lemieux] that we shouldn't back away, we should be there, being masters of our own destiny.

Steve Bailey

I would slightly disagree with Vicki [Wilkinson] in terms to say that I don't think that compliance is sexy or can be sexy. I think that compliance only ever guarantees you *minimum investment*. No organisation wants to 'over-egg' compliance, spend more than is the absolute bare minimum on compliance, because it is purely that - it's keeping you out of gaol; it's not adding, or seems to be adding, value in itself to the organisation. I think going back to David's [Ryan] question, I think compliance clearly sets the framework for us, and it's our role as records managers to interpret that framework almost on behalf of the user; and it's then our role to help, going back to the point I made earlier, to actually make it invisible to the user.

So, I don't think it is something we should bang users over the head for; it sets our professional parameters and rules, but then it's up to us to take that on the chin and to try to make it as palatable as possible to the user. Because, although compliance will get the ear of senior managers, as I say, it's got a very short attention span for most users, though I do admit, it does depend of course on the sector. If you are in the finance sector it is higher profile for users. If you are in academia, by and large, they don't give two hoots. So it is context dependent.

James Currall

I get very, very nervous when I hear people talking in language that says this thing gets our attention today; this jumping on fashion and saying we are going to leverage that… I tell you what has been fashionable ever since day one; and that is getting the business to do what the business does and to innovate. Now, if you really want to jump on fashion and keep in fashion, that's what you want to jump on. Now there is a question under bullet two which I haven't heard anybody address – records managers are information managers and not business managers question mark [sic] I'm not quite sure what it means as a question, but I think that is a very, very important issue and I'd like to hear the panel saying something about that.

Michael Moss

We'll just come back to Barbara [Reed] before we come back to that question.

Barbara Reed

I think compliance is great and it's something we can use, but I am a bit like James [Currall]. I think that it is just a bit of a gloss on what we want to actually be doing. One of the things that I think that underlines that is 'what are the drivers for record keeping?' And at that moment we have this social driver which is compliance driven. Previously it might have been the rhetoric of accountability. In fact, you know, you could put those two things together and say they were two sides of a picture. But those drivers are going to change. We have a role potentially in strategically aligning what the drivers will be and I think that's far more useful than jumping on the latest band wagon. I think it is understanding what we can do with these things and, in fact, trying to achieve an environment wherein recordkeeping has a very integrated role.

The other thing I would just like to say is, the fact that records managers aren't doing this might actually go to Chris Hurley's point about human beings are recordkeeping mammals, and that's really I think what he was getting to. You know it doesn't matter if it's not records managers doing it, the function will be done because the function needs to be done; not necessarily in relation to compliance but in relation to doing business. So, I think that's an interesting take because I don't think Chris [Hurley] was talking about records management as in the separate solo discipline, but recordkeeping - as in making the records, as in doing records - because we need to actually get business done. So I'd just like to take it back to that.

Michael Moss

Can we go back to James' question. I'm going to ask Carl [Newton] to comment on that. Carl has done lots and lots of consultancy. The question is 'records managers are information managers not business managers question mark'. Agree? Disagree?

Carl Newton

I think I could talk for most of the rest of the day on this point. [laughter] I guess they are both. I feel that not only is records management embedded in business process, it's actually embedded in the whole business activity - full stop. I don't think you can be an effective records manager unless you understand the business you are in and you know at least, I think you have to know as much as the average senior manager which isn't saying a lot [laughter], about the environment in which you are actually working. Again, in a sense it goes back to the point someone made earlier about our perception of ourselves as being something special. Yes we have an

expertise, but hopefully so do all the other people who work in our organisation. We have to understand what the business objectives are.

I have to say, I'm definitely in what Chris Hurley calls the 'senile reminiscent stage' [laughter] and I am therefore thinking back quite a number of years when I worked for British Steel Corporation. Now British Steel Corporation was in some respects not perhaps the most effective organisation in the UK but I have to say it was the only one in which I actually worked, apart from the one I set up myself, in which I actually understood what the objective of the organisation was! [laughter] And that really seems to me to be a vital part of the context of records management. I don't understand how you can be a records manager without understanding that.

Michael Moss

Thank you. Any other comments?

Nigel Longhurst (Iron Mountain UK Ltd)

I have only just joined Iron Mountain so, to an extent, I probably know less about records management. It just occurred to me that one of the perennial questions was 'which comes first, the chicken or the egg?' And I think my question is which came first the record or the records manager? I have a feeling that a lot of this comes down to focus. Clearly you must, to be an effective record manager, understand the records that you are keeping. But to an extent, business drives the process and therefore new records are coming into being all the time both in type and in medium. Therefore, I think you are always playing catch up and I just wonder whether this is part of the problem we are facing?

Michael Moss

David [Wainwright]

David Wainwright

Thank you. Just to point to two debates in my own field of IS. One was a long debate over something called the 'hybrid manager' where we were trying to get IT professionals more business literate, therefore encouraging them all to do MBAs [Master of Business Administration]. That failed miserably. Then a second wave was trying to get MBA programmes to have core IS or IT related modules within them, and that's kind of a variable resource at the moment. But there is no doubt that these days, anyway, there is a trend starting to occur where IT managers do have to have more business knowledge. And to an extent that's kind of reflected in a lot of IT executives actually reporting to the Chief Executive Officer, as opposed to the Chief Financial Officer, which was the previous way that things used to work.

That's had a big sea change in terms of taking a strategic view of the business, which goes back to a previous question about proselytising records management and getting out there into organisations and telling them what you do and how important it is. That's a similar kind of message that you've got to go out and effectively tell the business how important it is strategically, and that it can influence the strategy of a business as well as being reactive to it. So it's not just business needs that drive the need for records management in IT. A lot of these ideas that are coming from our subjects/disciplines drive the business in terms of the direction that they can potentially go and the opportunities and the agility that they might have. So that is an important reverse angle on it I think.

Michael Moss

Any comments?

Vicki Lemieux

Yes, you see that in the financial services industry, where a lot of the competitive advantage we have will be through using technology more cleverly to process trades faster, to build better trading platforms etc etc.

I'd like to go back to something that Barbara [Reed] said earlier though and link it with the theme of business management; and that's that humans are record keeping mammals. Yes, I think that is very true; and you'd said, well people are going to create records anyway whether or not there are records managers there to manage those records, and certainly that's true as well. Record creation and record keeping will take place as an activity whether or not we are there. It is whether or not that activity is aligned with what the business wants, so the job of the records manager I think is, to borrow a phrase from Jacques Derrida[12] 'post-modernists bring nothing to the table.' In fact I think they actually do bring some interesting things to the table and Jacques Derrida speaks about the *structuration* of chaos, and I think that's what our job is, to structure this chaos in a way that aligns the human record making and record keeping activity with business objectives because that's not a natural… necessarily a tight alignment. If we look at the sort of behaviours that took place in Enron, for example, or what I studied in the Jamaican banking crisis, where people were influenced in their record creation or record making activities by external factors, like what relatives wanted in loans and that sort of thing.

Michael Moss

I think Alistair [Tough] must have a chance to respond.

[12] Jacques Derrida, 1930-2004, philosopher, founder of 'deconstruction'.

Alistair Tough (Glasgow University)

No I don't want to get defensive about that [Michael Moss - Oh come on Alistair]. I did have a point that I wanted to put to David Wainwright, and other members of the panel if they want to join in, about the whole crisis of renewal in higher education. Because I think what he described does apply, to a considerable extent, to the field of professional record keepers in the United Kingdom - that we have an ageing group of people who are teaching - and this isn't just a dig at Michael [Moss](!) [laughter]. And it's not very clear where the next generation of teachers are going to come from.

We perhaps, in contradiction to what David [Wainwright] described, have an excellent supply of new recruits, lots of bright young people who want to come into record keeping professions, but how on earth do we go about persuading them that when they have finished a post graduate degree, that they should then stay for another three years living on beans on toast to get a PhD, so they can then go and get real work experience and come *back* into academia. I think that is the real problem for us - that there are a number of stages that we have to look for in order to get people who are capable of delivering at a high enough level and the fundamental thing is that academic life is not sufficiently attractive in terms of salary or anything else to produce that return pattern.

David Wainwright

Yes I agree, it is a huge problem; but it does reflect also a significant lack of government funding in our particular fields as opposed to hard computer science and engineering. I think, especially when you look at research council funding which goes to the EPSRC [Engineering and Physical Sciences Research Council], and you look at the proportions that go to building the artefacts as it were, as opposed to looking at managing the artefacts, there is a huge gap between the two sources of funding. Therefore we don't get the bursaries to attract the PhD students; we don't get as many interesting research projects in these areas as we should and that is, I think, one of the reasons why we don't get these students.

As to keeping them after they do their PhDs. Well, given the conditions at the moment, it is certainly very difficult to attract them into academia when they could earn a lot more money outside in the consultancy sector; that's always going to be a problem. I don't know how to address that at the moment, unless our pay claim goes through next week and we get a 20% pay rise, which I somehow doubt.

Barbara Reed

I just want to talk about Vicki's [Lemieux] point, which I totally agree with. I totally agree with what she was saying, that the value that records management puts on the

recordkeeping activity of human beings is that it aligns to an organisational goal and that's a very important and not necessarily a natural thing. But I think what I was trying to do there was broaden both ends of the spectrum to address the records creation and the fact that everybody creates records. It's how we manage them, for what purpose and whose purpose is paramount. That, in fact, determines what framework you put over the top, rather than the fact that we regulate creation, because then you get the example provided by Peter [Horsman] of the three emails being formally kept as records out of the many thousands being created. But it also works at the other end, which again Vicki [Lemieux] alluded to with the Jamaican bank example, where in fact the drivers for creating records and doing business were not the same drivers that were what the organisation wanted; it was a social family structure. Well actually it's probably a reflection of the way that society works as opposed to the way that an organisation works.

And I think you have to put all those things into the mix and records management needs to be broad, recordkeeping needs to be broadened out to, in fact, enable all of those views to be entertained at the same time; *multiple perspectives*, different ends of the spectrum, not just a narrow organisational perspective, and I guess that's one of the things I would like to put out there.

Paul Dodgson (Leicestershire County Council)

Thank you Barbara [Reed], that gave me some comfort. Rather than work in academia I work in local government. So we have different environments I think - local government, the business sector and academia - and they can all be regarded slightly differently. Where I work we sell improved business outputs through better records management, not eulogising about how records management is, because you can eulogise as much as like, they will say 'yeah thanks very much, it doesn't mean anything to me' and they'll walk away. In local government you've got to link the business process to the output as a result of good records management. Then you will get some change, you will get some interest. I have personal experience of where we have eulogised about good records management we've been ignored. We now go into the businesses and start thinking about the use of ISO 15489 and getting it into the business context, understanding the business context, what they are doing, what they are trying to do. We'll find out what they are doing wrong and then, if we give them good pointers - show them a return on their investment in what ever way you like, arms and legs savings, money, whatever - then they will listen to us.

In local government I regard compliance as subjective to the organisation in that how you comply depends on the kind of organisation you are, its culture. Steve [Bailey] said if you are working in the business sector you'll comply at a minimum because it's not cost effective. It's not going to give you a return on investment other than mitigating waste management. If you said that to Philip Morris and various others,

they will probably disagree with you now. But in local government, the benefits are not seen. I sell compliance as a by-product of good records management, because we are not hit with the same business factors as the commercial world. I would say we have more in common with the academic environment. So, compliance is different depending on where you are and how you manage it and the same strikes me for records management as well. So the definition of records management is not an easy one to do because it is ever changing and evolving.

Michael Moss

Two words we have heard a lot of and that's *accountability and responsibility*. That is central to what you have just spoken about. It's an area where there is a big debate in the United Kingdom actually. Anybody heard of Marilyn Strathern? She is an anthropologist [1941-]. Anybody heard of Onora O'Neill [1941-]? Those people earn thousands of pounds running seminars like this for CEOs about those very issues. Who thinks there is a difference between accountability and responsibility? [no response] Can we have a comment on this because I think it is very important to the debate we are having? Can someone comment about the difference?

Susan Em (Royal Pharmaceutical Society of Great Britain)

Off the top of my head I suppose one definition of records management, or a part of the essence of records management, I think is responsibility. And it is identifying who, on behalf of an organisation, is responsible for keeping an eye on certain elements of how things will develop and I suppose accountability is more nailed down. It's more about allowing an organisation to be able to prove how it did something; responsibility I suppose is more internal and more nebulous but accountability more definite, more legal, more manifest.

Vicki Lemieux

To build on that, I agree with where you were going with that because I see responsibility as something that you take. I will take responsibility for something and it might be *assigned* to me. Accountability is something *external*. It makes you visible to someone out there that will hold you to account and measure you against an external standard. So, it is something that is external versus something that's internalised. That's the way I see the two as being different.

Michael Moss

Comments from the panel? [no response]. The thing that troubles people like Onora O'Neill, a moral philosopher, is that the accountability part is part of an audit culture that may actually negate responsibility; and we see that very clearly in the declaration of war on Iraq.

Barbara Reed

We are having the odd recordkeeping problem in Australia, you probably don't know about any of them with any luck [from audience - we've read your book! [laughter]]. We have a few more (!) One of them actually is to do with recordkeeping, well, to do with the treatment of prisoners in detention and the way that is managed. And one of the findings from the investigative report is that, it's a bit like I said before, you can tick all of the boxes that you like and you can have apparently compliant recordkeeping according to all the rules. You might have ticked it off but actually it's not doing what the business needs to be done. So, you can actually do accountability and actually *not* achieve the outcomes.

Michael Moss

Can we have a plug for the book, I can't remember the name of it! [laughter] Barbara and Frank's book[13]. If you haven't read it then I can recommend, sparing their blushes, that you get it because it is the best book on records management that you are likely to come across. So you can all blush deeply.

Moving on, we also discussed *crisis and divorce* can I have some comments on that whole issue of *crisis*? Somebody from the floor, any comments?

Julie McLeod

It wasn't really on crisis. I have three areas and I was desperately trying to link them so it was just one and I wasn't seen to be hogging the stage!

What I wanted to comment on was I was really pleased, and it made me sit up and think, that Barbara [Reed] and Peter [Horsman] reminded us that actually records management and business processes were in the past embedded; have been embedded in good old paper, often civil service or local government type registry systems. And then Barbara [Reed] said 'so it's a no-brainer' embedding, and I'm thinking 'I didn't write that question properly'; but I realised she is, as always, playing devil's advocate, so that's ok. It might be a no-brainer, but we've had that integration in the past, so perhaps the question is not about embedding, but about re-embedding RM and business process because I don't actually think it is there across the board now. I think we've lost a lot of those structured systems. So, I can't just ask the panel 'OK I agree with you, *how do we do it?* That's the important question. I'd better try to think of some ways we might.

[13] McKemmish, S., Piggott, M., Reed, B. & Upward, F. (eds.), (2005), *Archives: recordkeeping in society,* Centre for Information Studies, Charles Sturt University.

I really liked what Gary [Johnston] had to say about reversing application-lead to activity-lead IT. It reminded me, sadly in a way, of my hero in records management - John McDonald. If you have not read his 1995-6 (that's why I am sad, because it's a decade ago) article on managing records in the modern office, taming the wild frontier, then you haven't lived[14]. It was just exactly what Gary [Johnston] was saying. You switch on your machine in a morning and it does not say 'Hello here's Outlook, here's Internet explorer, here's Microsoft office etc'. It says (for me) I'd like to create a new lecture; I'd like to write a policy document. It's all about *activities* and what I do; and the technology is invisible, it might be a combination of things behind there. So, 10 years later, we are no further forward.

That sort of brought in the other theme about this invisibility of records management. Being a good Libran I can see both sides of the story and I'm sitting on the fence because, yes I *do* agree with, I think it was Steve [Bailey] who said that RM should be invisible to the user, and yes I *do* agree with Barbara [Reed] who says, 'well no I have a problem with that, I don't think it should, because I think people do need to be helped.' And so it needs to be invisible, but on the other hand I think if things are totally invisible people have a tendency not to recognise their responsibilities. I think they need to understand their responsibilities but not then have to do 10 million things to achieve those. So I'm sorry that wasn't anything to do with crisis but… [laughter]

Michael Moss

Any comments?

Claire Cowling

I was out of the workforce in the 80s and 90s. I left a workforce where everything was organised and there was records management embedded and I came back into chaos. Can I ask those of you who were in the workforce, why did you let it happen? [laughter] [A comment from the audience – 'It was Microsoft.']

Alistair Tough (Glasgow University)

Can I just add an observation, which I think does link up to that and it hasn't been mentioned by anybody else? The idea of pre-action [sic] workflow embedded into registry systems is essentially a North European and Commonwealth practice. It's shared by Britain, Australia, New Zealand, most of the countries in the commonwealth, most of the North European countries. It was consciously abandoned by the public sector in the United States a long time ago as a cost saving

[14] McDonald, J., (1995), Managing records in the modern office: taming the wild frontier, *Archivaria, 39* (Spring), 70-79.

exercise, so the whole concept of that kind of way of doing things was completely absent from the minds of the people who set up the Microsoft Corporation; and a lot of the problems that we've suffered in the last 20 or 30 years, the chaos that Clare [Cowling] describes, are because we have imported the technology and with it has come a lack of standards and understanding. That's my interpretation anyway.

Jaqueline Spence (University of Aberystwyth)

Just to build upon that, I think I would say also that records managers let IT run away with it. We didn't engage with the technology, we turned our backs on it. We said, that's not what we do, and by the time we realised that, hey people are actually creating records with all this technology, it was too flipping late. That's why we have ended up with chaos now and that's why we are trying to run and play catch up. And I think anybody that says records managers don't need to understand technology is kidding themselves.

Michael Moss

David

David Ryan

I agree with the comment about a lack of standards and understanding. Whether it's actually Microsoft themselves I'm not sure of, I would date the collapse of these record keeping systems to 1978 personally. I've discussed this with several colleagues and in fact 1978 is, I believe, a watershed year for IT because it's really the beginning of personal computers and laser printers. I noticed when I worked in local government in Liverpool, and I discussed with a colleague who worked in local government in Edinburgh about 10 years ago, and we both actually said, as we stood at the bar one evening, almost at the same breath – 1978. We actually noticed there was a decline in the UK in record keeping from this period. And I think there are two reasons. One I have just alluded to, which is technological, and I will explain a bit more later, but the other reason is to do with the 1972 Local Government Act. What actually happened was that in 1974 new councils were set up, and I believe a whole generation of administrative officers actually started to retire or take early retirement in the late 1970s. As those people retired and as IT rose the record keeping systems actually began to decline.

It's important to note what the colleague over there said about 'we gave up the space to IT'. We didn't, they were bound to win, for two obvious reasons. First of all because of the fantastic advantages that IT actually gives to business users above paper. The affordance of IT to execute business in real time, which you can't do with paper; and secondly, because the IT people reported, as one of the people over here mentioned, to the Chief Financial Officer, so they were in a fantastic position. They

actually reported to the person in the organisation who controlled the purse strings. So they were bound to win. If we go back 20 years to when I first started my career, the records that you used to get came out by computer. The first ones were those dreadful A3 ring binders – do you remember them? They were produced for the finance department. So in fact IT were always bound to win.

The thing about the chaos that we are in is absolutely true. We are actually in chaos, but it's a rather exciting chaos - my kids certainly think so! It's fantastic - instant messaging, SMSN[15], mobile phones with video cameras on them - all this kind of fantastic technology; PSPs [PlayStation Portables] - my son can get broadband Internet activity on his PSP, he thinks it's absolutely marvellous; and that's the world we have to deal with, and we have to understand IT. But, in fact, we are not in the same situation we were in 10 years ago; things are fantastically better. Ten years ago nobody was talking about digital preservation, nobody was talking about Wikis or Blogs or these kinds of software products that are activity based and not application based. So in fact, I'm quite optimistic about the future.

Michael Moss

It is nearly time to finish, so can I ask the panel to comment.

Vicki Wilkinson

Yes I agree with David [Ryan]. There is a dawn of a new era and we are in chaos, but that's an exciting place to be. But we have got to sort it for ourselves I think; and we have the tools and we have the techniques, whether we do it subliminally, invisibly or overtly, to shape our own destiny. But there is no good, as Steve [Bailey] said at the very beginning, running to catch up all the time, as that lady said about IT, because we are always going to be behind. So, we have to grasp the chaos and make the best of it that we can, I think.

David Wainwright

I think it is a great new world and it has exciting challenges and it is going to be a great 20 years ahead. But we talked about embedded records management in all these business processes and becoming invisible. Well I guess something I do, am trying to promote more, is business process management; trying to extract these rules out of the embedded software, or the way that they are embedded in software, to make them visible to people. I think that's the challenge; to try and make people recognise that these things are actually going on, because they are just going on behind the scenes, you don't really realise it.

[15] A new generation of Microsoft's MSN messenger, http://get.live.com/messenger/overview

I think that may be a useful way forward; to use a bit more imagination in terms of how we make these things easy to represent and easy to understand. Otherwise the IT will take over and, in my own field again, the last year's debate in the top journals has been 'crisis in IS, the centrality of the IT artefact'. In other words, that we've been seduced if you like, by going away from the IT artefact - because it's so good and it just does what it does - to becoming more interested in all the areas around it to do with psychology, organisational theory and all the sorts of ways that we can explain what's going on. We've left out the fundamental interaction with the IT itself, and I think we can't shy away from it. We have to meet it head on and then resurface - how we think it is actually working and how we can make it better.

Peter Horsman

I should like to say a few words about embedding. As far as records management has ever been embedded in business processes - actually I doubt it a little bit - it has been in the long past, when the business processes were pretty straightforward, pretty simple, and as far as records only served the business process. Whereas, in our complex organisations, we keep the record not only to serve the business process that created it but also other business processes, including control processes and accountability processes, that require it, probably in a different record keeping system. I should like indeed to speak in terms of systems, not meaning technical systems, but let's say, the building blocks of an organisation. Unfortunately, and here comes the chaos, in modern organisations there are now different systems, like let's say the main business system, the record keeping systems, some of the other systems, that are not in balance anymore. Sometimes they don't understand each other too much.

I'll give just one example about how two systems don't speak to each other. I was thinking about it when you were speaking about services [refers to panellist Barbara Reed]. In one of the Dutch ministries, they sent me - OK the normal kind of chaos and the normal misunderstanding - they sent me two kinds of documents. One was coming from the IT and business process and it was something like 'post modern document management'. Well it was a paper of 10 pages, so it couldn't be post modern because usually post modernists use hundreds of pages to say a few things [laughter] and secondly, it wasn't written in what in Italy they would say as post modern linguaggio, the kind of language that is difficult to understand for normal people [laughter]. Sometimes I am a post modernist and some of my best friends are post modernists. OK, let's say that the first document came from the business process. Well, the records management answer to that was about 3000 pages of extremely structural kind of theory on how the records should be managed, absolutely including all theory, *all* the best theory, metadata schema. So, what is better than that - everything was in the document? But these people will never understand each other.

Gary Johnston

McDonald, 10 years ago, was talking about changing from application-led to activity-led; and I think it will happen and I think it will happen because we have to. I think it's a changing world. Global economies and efficiency gains are the way to go forward. As David [Wainwright] said, most companies in this country are small companies, so it is ok to debate amongst ourselves local government, large multinationals, is there a difference between information management, knowledge management, records management? If you are in the company of 30 people you don't actually care whether there are any differences. I can give you an example.

I went to a company, there are only three companies that do what they do. They clear the track ways on the railways. So they go along and they pick the litter up. It doesn't seem to be particularly onerous but it is a highly profitable business. There is likely to be only one of them that survives. The company I saw want to be able to send all their documentation off to the railways electronically, for their operatives to be able to turn up on that site with a handheld device to download all their permits; to download all their work instructions, to be able to do their work, to be able to get it signed off electronically again afterwards, for that electronic sign-off to go back to their office to trigger their invoicing system, so their invoice gets sent out automatically. That's what business is interested in doing, and I think that those things will make sure it is changed.

Microsoft now have a blog where people are talking about workflow, and Microsoft are now talking about shipping workflow modules with their software. So, 20 modules that will say, this is an invoicing workflow. OK they won't be exact for your organisation, there will be a little bit of tweaking that you will need to do, but it is on its way and I think it's inevitable now.

Michael Moss

You can be the last word.

Steve Bailey

In terms of summing up and addressing a couple of issues, there has been a lot about blaming technology for the separation of records management and process quite rightly because of the trends we have seen over the decades. But I think that wheel is actually going full circle again and technology, perhaps literally in the last 18 months or so, is beginning to offer us the means to integrate those two again. I am thinking of things like - there has already been mention of web services and also open standards as well - which are beginning to allow us to have end-to-end processes that are application independent. They will enable us, if we grasp that opportunity, to

reintegrate records management with the business process. Julie [McLeod] was saying quite depressingly, that nothing has happened in those cases in the last ten years. In a quick JISC plug, it has. We are working on something called the *e-framework*, which is taking exactly that approach. It is looking at end-to-end processes and looking at ways of taking that forward in terms of making it happen across line-of-business applications.

So I think that, literally within the last 18 months to 2 years, there is movement which means that hopefully we can start to move from beyond the chaos and start to put some flesh on the bones of whatever you might call workflow or integrated business processes.

Michael Moss

Barbara

Barbara Reed

Yes, I'm with David [Wainwright]. I think chaos is actually incredibly exciting, very innovative. It can really enable different things. I guess the point I would like to stress is that you have to know what you want before you can play with innovation. One of the things that I still have problems with in the Microsoft technology view of the world, is that we are dealing with documents, unlinked, and in fact records are anything you like in relationship to something else, and part of that relationship web is an event or a business driver of some description. So if we are not thinking relationally and in linked ways, sequentially with different lines of relationships, then we are dealing with objects - the information artefact. And that is not, I think, where we ought to be going. But having said that I think that we have got huge potential as Steve [Bailey] has been saying, and the orchestration layers of web services design are almost the new workflow.

Workflow kind of didn't work because it was too hard to implement; it worked for very structured processes. But now the technology is giving us another go at it and that one is looking really hopeful. So again, we have to know what we want and be able to build it in creatively and, as I was saying earlier, we can use some of that thinking now to integrate legacy systems and do records better; but really when we try to reinvent records in that environment it's really, really blue sky exciting stuff. So I think the technology is helping us, we have got a really good basis, but we need to get out of our little box and stop thinking about records management as the need to build up rules, that everyone needs to live by our rules; but rather we need to push it out into the business and be creative about it.

Michael Moss

I'd like to close with two stories, one of which confirms why Alistair [Tough] might just be right about Mr Gates.

Some time ago I was invited to go on a centenary run in an Arrol-Johnson motorcar, which is an amazingly clanky contraption, and I asked the driver, a chap called Bill Lithgow, where we were going. And he said we were going to the factory where they were first made. 'Where is that?' 'Oh, it is in Tongland, not far from Dumfries.' I said 'what happened to it?' And he said 'oh didn't you know, it's the factory that Mr Gates' father owned?' Mr Gates is not a sudden arrival on the scene of American business. Mr Gates was a multi-millionaire before Microsoft ever occurred, because his family made rubber belting, stuff that drove machine tools in factories around the world, and he is deeply embedded in an American business culture.

The other story I have is I went many years ago to Lake Maggiore and I did go and see the Villa Taranto and the wonderful gardens. It belonged to a Scotsman called Captain Neil McEacharn who was a very rich man, made his money out of oil shipping; but I also went to the gardens on two islands [Palazzo Borromeo on Isola Madre and Isola Bella]. I saw a beautiful one in the English style and one a very classical Italian garden. Quite recently I went to a conference and a paper was given about the owners of these islands. They were the Princes Borromeo something or other, and it turned out they had been bankers in the 15th Century. In the basement of this villa, on the middle of this island, they had discovered the banking ledgers from the 15th century of this company. What followed in the description was an incredibly sophisticated record keeping system for a 15th century bank that was trading throughout the whole of Europe.[16] It was discounting bills of exchange on London and Amsterdam. It could do this in five days; it could hold balances in London and Amsterdam and there was no central banking system. It could then balance in its various countries, all through an incredibly well structured communications and record keeping system.

So, I don't entirely agree that the sophistication that we have today is anything very new, and the whole of that new technology argument, you can look back at these models and say 'hey, here is really interesting technology being applied to business process' and here is a family 500 years later, because they stopped banking in the 16th century, living off the capital [laughter].

[16] See the *Borromeo Bank Research Project* at http://www.history.qmul.ac.uk/research/borromei.html

So can I thank the witnesses and I hope your brains have been stimulated and the fertilizer will work a bit more tomorrow and we'll have an equally exciting and interesting seminar. Thank you very much.

EVENING RECEPTION
BALTIC Centre for Contemporary Art
6.00-8.00pm

Gary Malkin, Librarian & Archivist, BALTIC Centre for Contemporary Art
Capturing BALTIC's memory

BALTIC library and archive visit. View of current gallery exhibitions.

Delegates gathered at the BALTIC Centre for Contemporary Art, a gallery housed in a former flour mill on the south bank of the River Tyne for an evening reception courtesy of the conference sponsor Iron Mountain UK Ltd. It began with a ride in the glass lifts to BALTIC's fifth floor viewing box. We were fortunate to have a wonderfully sunny evening to enjoy the spectacular views of the River Tyne bridges, the Sage music centre and the quayside buildings, causing at least one delegate to don their sunglasses!

BALTIC is renowned for its distinctive and ambitious exhibitions and events but, unlike some galleries, it has no permanent collection. So, in the comfort of its Level 1 cinema, we were fascinated to learn from **Gary Malkin**, BALTIC's Librarian and Archivist, how the gallery captures its 'memory' through, for example, video interviews with artists and freely downloadable podcasts (www.balticmill.com/podcasts). Gary has since published an article based on his talk.[17]

A limited number of delegates were then able to visit BALTIC's library and archive and everyone was able to view the gallery's current exhibitions - the work of two North East artists, James Hugonin and Ian Stephenson, entitled *And our eyes scan Time*[18].

The evening ended with an excellent drinks and canapé reception.

[17] Malkin, G., (2006), Capturing Baltic's memory, *Records Management Journal*, V16 (3), p.149-158.
[18] *And our eyes scan Time* http://www.balticmill.com/whatsOn/past/ExhibitionDetail.php?exhibID=54

PHOTOGRAPHIC RECORD OF THE EVENING RECEPTION AT BALTIC

Gary Malkin, BALTIC's Librarian and Archivist, explaining how the gallery captures its 'memory' to conference delegates seated in BALTIC's Level 1 cinema.

Friday 5 May 2006

SEMINAR 2:
Is records management the management of risk?
9.15-10.45pm

Chair: Ms Ceri Hughes, KPMG LLP

Witness: Vicki Lemieux, Credit Suisse First Boston
Witness: Alastair Irons, Northumbria University
Witness: Victoria Vallely, Eversheds
Witness: Michael Dunleavy, Iron Mountain UK Ltd
Witness: Dr James Currall, Glasgow University

The starting point for the debate:

Willis, Anthony. Corporate governance and management of information and records. *Records Management Journal*, Aug 2005 Volume: 15 Issue: 2 Page: 86 – 97.

This article looks at the intersection between corporate governance and information and records management. It proposes that the latter is a vital element of the former, and the former is a vital ingredient to the survival of political institutions and economic entities alike. Otherwise put sound information and records management underpins, in a direct or indirect way, many of the vital aspects of corporate governance. The context within which the detail of the issues can make sense is established. *(Original abstract from the Records Management Journal).*

WELCOME TO THE SEMINAR

Julie McLeod

Good morning and welcome back. I hope you enjoyed yesterday and last night and have had much to think about and discuss, and are looking forward to more discussion.

This morning we begin with our second witness seminar, followed by a panel discussion between invited guests; and this afternoon we have our final seminar and a summary from our rapporteur. The schedule for the seminars today is slightly different from yesterday in that there won't be a break between the witness debate and the audience involvement.

Our second witness seminar, entitled 'Is records management the management of risk?' focuses on the relationship between managing records and managing risk and, amongst other things no doubt, will consider:

- What exactly is risk? What relevance does risk have to recordkeeping?
- What is the current context for risk?
- Should records managers 'hitch their wagon' to these issues? Will they be allowed to? What are the potential benefits and pitfalls?

The starting point for this seminar is Anthony Willis' paper *'Corporate governance and management of information and records'*.

I'm now delighted to introduce the seminar's chair, **Ms Ceri Hughes**, who is Associate Director of Knowledge Management at KPMG, based in the Financial Advisory Services practice. She will be very well known to many of you as an excellent past Chair of the Records Management Society of Great Britain.

With Ceri already are five expert witnesses from very different backgrounds - Dr James Currall, Michael Dunleavy, Alastair Irons, Vicki Lemieux and Victoria Vallely. I will let her introduce everyone. Ceri.

PHOTOGRAPHIC RECORD OF SEMINAR 2

CHAIR'S INTRODUCTION

Ceri Hughes

Thank you. As Julie has said, today we are going to focus this first witness seminar of the second day of this conference on the management of risk and the relationship with records management. If you have read the article by Anthony Willis you'll know that he thinks the relationship between risk management and compliance and records management hasn't been explored as fully as he thinks it ought to. I think our panel might have some views that perhaps agree or perhaps disagree, we will find out in a moment.

We heard yesterday that the relationship between risk management and compliance and records management is certainly on the agenda for many of us in lots of different sectors, and means different things to different people. Our colleague here Paul Dodgson outlined what he thought for him in his sector, the local government sector, the relationship between risk management and records management meant; but maybe that means something different for those of you in the private sector or in the higher education sector, we will find out more.

Our panel represent a number of different sectors and a number of different views. When they give you their statement, I have asked each of them to introduce themselves very briefly to you and that will give you more of their background and the perspective they are coming from. Each of the panellists will speak for about eight minutes and will give you their perception of the article, but certainly not limited to their views on risk that have been stimulated by reading the article. At the end of each of the statements we'll take some immediate comments from the panel and at the end of all five statements we'll open up discussion to the panel and then more widely to the floor. And we'll be looking for your insight and your views on the relationship between risk management, compliance and records management.

We'll open the proceedings and I'll ask **Vicki Lemieux** [Credit Suisse First Boston] to make the first statement.

WITNESS STATEMENTS

Vicki Lemieux

Thank you. I have the dubious pleasure of going first; that can be a good thing or a bad thing - bad if you haven't recovered from last night's festivities, good in the sense that you might still be awake! Perhaps not after the end of what I have to say…

I want to take a few minutes before I launch into the relationship between records management and risk management just to pick up on a theme from yesterday a little bit. We talked about our relationship with others that we have to interact with, and there is a lot of talk about IT in particular. I started to think about that and it reminded me of an art exhibition that I went to at the Royal Academy of Art [London] recently. It was an exhibition to do with the Qing dynasty; three Emperors in a Chinese Qing dynasty and they ruled between about 1640 and 1795. And why am I rambling on about Chinese Emperors? Well, they were an interesting group of men, in the sense that they were Manchus and they ruled a diverse set of people in China. The previous rulers had been Han Chinese and they were still the dominant ethnic group and yet the Manchus, these Emperors, were able to expand their territories into Mongolia, into Tibet. They were able to rule. They were Animists themselves but they were able to rule Buddhists, Taoists and even Christians; and I think there is a salutary lesson in there for records managers. How did they manage to rule such vast territories and particularly the Han Chinese? How they were able to do it is that they actually went into these territories and they learned from the best teachers all about the traditions of, say, the Han Chinese - their languages, their arts, their religions. They supported the building of temples and yet they never forgot who they were. So, in the Royal Academy there are pictures of these Manchu Emperors and they are wearing very different sleeves (the Han Chinese wore the long sleeves that opened up). So they never forgot who they were and yet were able to take in the traditions and languages and religions of these other peoples.

That's what I would recommend to you, as records managers, as a salutary lesson to take away. I think that is what we have to do. We have to go into these other territories and we have to learn the languages and traditions of IT, of our legal colleagues, of auditors etc; all the people that we have to come in contact with - like that Venn diagram that was mentioned yesterday - but never forget who we are and what our message is. If we do that we won't be marauding invaders but we will be able to run and govern vast territories. Anyway that's my little diversion, now for records management risk.

Well Willis' article starts off about corporate governance, so I think that's where we have to begin this tale of the relationship between risk and records management. So really we are talking about the relationship between three things - records management, corporate governance and risk. Willis makes the case that good record keeping and records are needed to support corporate governance and I think he makes that a compelling argument. Certainly my own research into the collapse of the indigenous Jamaican banks in the late 1990s supported that same thesis. I found that, whilst you can't blame the Jamaican financial crisis on bad record keeping alone, there was a fair bit of corruption and macro economic shock involved as well; it certainly contributed to a spiral of decline. If you don't have the records that form

the basis of your management information systems, to know what your financial position is, what your balance sheet looks like, you are not going to survive in business for very long. So it's as simple as that really.

But what's the relationship between good corporate governance and risk? Willis, in his article, points to the Australian standard on corporate governance[19], a component of which is risk management. Certainly in other corporate governance standards you do find risk management as an important element. Why is that the case? You have to survey the environment to look at your risks in order to know what kind of internal controls you need to put in place to mitigate those risks. So, you often find that risk management is an important element of corporate governance. Take, for example, the Committee of Sponsoring Organisations of the Treadway Commission, it's called the COSO Internal Control Framework[20]. Now it's been rebranded as the Enterprise Risk Management Integrated Framework (ERMIF)[21]. That framework has been adopted by the Public Companies Account Oversight Board (PCAOB), which is the board that was established under the Sarbanes-Oxley Act to set the rules for things like Section 404 compliance under Sarbanes-Oxley[22]. So this COSO framework has been adopted by the PCAOB and that's why we are all scurrying around in our organisations, if you work for a public listed company, to comply with Section 404. Many of those rules will be driven by this Enterprise Risk Management Integrated Framework, a key element of which is risk management. So there is a link there, because records management supports good corporate governance, and risk management is an important element of good corporate governance obviously. Records and good record keeping will form an important part of risk management as well. It will support risk management and is needed to achieve effective risk management. So there's one link.

Willis' article also highlights examples where ineffective management of records and information has given rise to a risk. I'm sure we are all familiar with things like Enron[23]. You've been living under a rock if you haven't heard about Enron and that certainly raised the bar. It's brought records and information management from the basement to the boardroom to coin a phrase. Before Enron, was anybody making beer commercials about records management? I don't think so. Whether or not that

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[19] AS 8000, (2003), *Corporate governance: good governance principles*, Standards Australia, Sydney.

[20] COSO, Committee of Sponsoring Organisations of the National Commission of Fraudulent Financial Reporting (the Treadway Commission), (1992), *Internal control – integrated framework*, www.coso.org/ or http://en.wikipedia.org/wiki/Committee_of_Sponsoring_Organizations_of_the_Treadway_Commission

[21] *Enterprise risk management – integrated framework (ERMIF)*, 2004, http://www.coso.org/publications.htm Executive summary at www.coso.org/publications/executive_summary_integrated_framework.htm

[22] *Sarbanes Oxley Act 2002, Section 404, Management assessment and controls*, http://www.sec.gov/rules/final/33-8238.htm

[23] http://en.wikipedia.org/wiki/Enron

is a good thing I'm not sure, but it's certainly a change; and it sparked public debate and interest in records management in a way that we hadn't previously seen. So, there has certainly been a watershed there. Willis talks about the case of the British American Tobacco Company where there was a corporate document retention policy. It allowed for the destruction of records relevant to legal proceedings. They were involved, I believe, in a class action law suit, and they failed to preserve records that were needed as evidence. So this is certainly something that other firms have fallen foul of as well and it's definitely what you would classify as a risk.

But let me just go back and give you a suggested definition of risk. What are we talking about when we talk about risk? I'm going to, for the purposes of today, suggest that risk arises when a 'threat', for example an event such as a disaster or a person with a malicious intent, exploits a vulnerability, which is some weakness in a system such as poor access control. In the case of the British American Tobacco Company the threat was this litigation and the vulnerability was a document retention policy that wasn't able to identify records that would be needed for litigation and ensure that those were preserved.

Now yesterday, I mentioned post modernism. I'll mention it again today just to throw that in for good measure. That's a reasonable definition of risk [above] but then when you start to look at it, well what does that actually mean in a given context? I think that risk, and what it really is defined as, is a socio-technical construct, it has to be negotiated within an organisation. There will be power relations that come into all of that, so I think that, just as I would define a record, it's something that is negotiated within an organisation. You find that the meaning of risk and what it is for each organisation will be very context dependent. So efforts to create endless taxonomies of risk I think are all very well and good but, it is just like taxonomies of records. What's useful will very much depend on your perspective and the context. But anyway, I digress.

Obviously the number of records risks I think that we have seen in the last several years is certainly on the rise, and it's certainly come to the public attention and been reported much more than ever before and raised the bar for us. And this is due to the number and complexity of laws with which we have to comply as records managers. There are things like data protection; certainly in the financial sector you've got things like Sarbanes-Oxley, you've got FSA rules, you've got the Securities and Exchange Commission in the USA, which has promulgated any number of requirements for us to meet, having to do with their records and their retention and even how they are stored. I think the risks are much more than they were.

A third aspect of the relationship between records and information management risk, I would argue, is that because organisations have to comply with an increasing

number of regulations in a global business environment, compliance itself has become about risk management. And records and information compliance has become about risk management because you've got so many rules out there, not just nationally but internationally, with which you have to comply; and many of these rules will actually conflict with each other. So, for example, you have Swiss banking secrecy requirements which would suggest that you might have to try and encrypt data, client data; and yet if you are operating in Moscow you've got Russian laws that make it illegal for you to encrypt the data. So right there, you have a conflict. Sarbanes-Oxley requires, or has been interpreted to require, whistle-blowing provisions. In France that goes against privacy rules that have grown up in the legal tradition and even some privacy laws. So, you had a case at McDonalds where they wanted to set up a whistle-blowing hotline and it ran foul of French privacy laws. Data protection requires that you dispose of records quickly; other laws will require that you retain them. How do you strike that balance? For the financial services sector I think it was Vicki [Wilkinson] that mentioned yesterday that the aim is not necessarily to comply; you can't in many cases and certainly you'd go out of business if you had to comply 100%. So, it's about risk.

Does that make records and information management equivalent to risk in today's environment? I would say no, it doesn't. There are many types of risks other than records and information risks, and records and information management is about much more than just risk, but the two are definitely very tightly related in today's environment, and perhaps converging more and more than ever before. So I will leave you with those thoughts. [applause.]

Ceri Hughes

Are there any immediate thoughts from the panel? Anything you want to pick up on? James [Currall] wants to pick up later. I think one of the interesting things to come from that paper for me, and I like Michael's [Moss] approach yesterday just to take a few salient points from each of the papers straight away, was the *definition of risk as a threat that exploits a vulnerability* but a definition that's very much constructed based on the context that you're operating within. So, again picks up on the thought that I had earlier on, that risk is *different things to different people* depending on the context that you're working in, and hopefully we can pick up on that from the discussions. So, something to be thinking about.

Moving on, we are going to our next statement. **Alastair Irons** [Northumbria University] will be delivering the statement, and will tell you a little bit about himself I'm sure. This is a different perspective I think than many of us will have; Alastair works in a computer forensics environment.

Alastair Irons

I'm not a records manager although I have many colleagues who do claim to be records managers. By profession I am a software engineer with interests in computer ethics and the impact of computers and IT on society. Over the years I have moved from a software engineer to educationalist and latterly a manager in education. In order to get back to my roots I have used my computing background to develop my understanding and expertise in computer forensics. I am going to talk to you this morning about computer forensics and the relationship between computer forensics and records management and indeed the relationship between the components in Willis' article and see how that different perspective fits in.

In terms of governance, it was interesting that Vicki [Lemieux] mentioned about the rules of governance. I am also a governor, an academic representative on the board of governors at Northumbria and I am invariably given shed loads of material to read to tell me how to be a governor. I also sit as a non-executive director on Northumbria Learning's board and they also give me a whole lot of different corporate governance rules to read.

I am very happy to be here today – not only because I am able to explore with colleagues the relationship between computer forensics, records management corporate governance and risk, but also because my sister in law (my wife's twin) is getting married this afternoon and it's best that I am well out of the way – we talked about marauding invaders this morning and I have a fear that that's what it's going to be like this afternoon, so when I go into full regalia as well as my sgian dubh [a small knife worn with formal Scottish dress] I am taking my Claymore! [a type of Scottish sword] However you don't want to hear about that, you can read about it in the local press next week in the courts section [laughter] I am sure.

Going back to the article and the intersection between records management corporate governance and information, I would like to add the intersection between records management and computer forensics. To that end I approached the article from a computer forensics perspective thinking about how I might be able to apply computer forensics principles and tools to the material presented and how corporate governance might be enhanced by the application of computer forensics and, indeed, how records management might be enhanced by the application of computer forensics. I have done some work on looking at the relationship between computer forensics and records management and I must say it isn't just a one-way street. There is an awful lot that people in the computer forensics area can learn from records management, particularly in areas around archiving and storing of data.

In many respects computer forensics is reactive. When something has happened in a digital environment we can apply computer forensics principles to find out what has happened, and who carried out any digital activities, through an analysis of the cybertrail. However, having computer forensics principles in place can address some of the requirements of problem solving. It also allows us to look as some of the requirements of corporate governance in terms of due diligence, taking appropriate protective steps, helping recovery and maintenance, as well as in risk management. One of the speakers this morning is going to talk about security and I think that it is interesting that computer forensics and security are also related but I like to see them as two different sides of a similar coin. Vicki [Lemieux] has already mentioned malicious intent as one of the risks in the previous talk.

In the majority of computer forensics activity we come in when there has been a problem which needs to be analysed, or a case which needs to be resolved. However, it is also important to think about the wider application of computer forensics as a means of deterrence, and in reading this paper I found myself thinking about how corporate governance could be enhanced by looking at both the reactive and the proactive use of computer forensics.

When I first got involved with computer forensics (or digital forensics or forensic computing, call it what you will) I thought it was about looking for a needle in a haystack. I soon changed my mind to thinking it was like looking for a needle in a haystack in a field of haystacks. I have recently changed my mind again and now believe it is like looking for a needle in a field of haystacks but those haystacks are made of needles! [laughter] I am sure it gets even trickier than that.

So a little bit of a background. Computer forensics is the scientific examination and analysis of data held on, or retrieved from, computers and computer storage media – hence the link to records management - for the purposes of presentation in a court of law. It covers the identification, preservation, recovery and analysis of digital evidence in resolving computer crime and instances of computer misuse.

Computer forensics is the generic name for the analysis and reporting of findings from the forensic analysis of all computer or digital-related media. This not only includes PC/laptop or server hard drives, but also other storage devices such as USB drives, MP3 players, memory cards, digital phones, digital cameras, embedded systems and data gathered via network analysis; you name it there is a forensic cybertrail there. Although digital data and digital records are potentially vulnerable, because of the nature of digitalisation, it is also that vulnerability and the nature of digitalisation which makes computer forensics possible, and that we can do all sorts of interesting activities in terms of finding that cybertrail.

Even when miscreants, we tend to call them perpetrators, try to cover their tracks they still often leave bits (pardon the pun) of digital evidence behind them. Locard's Exchange Principle, which some of you might have come across, is "anyone or anything entering a crime scene both takes something of the scene with them and leaves something of themselves behind when they leave."[24] It can be applied to forensic analysis in a digital environment. Trails of digital evidence are left behind, often without the knowledge of the computer criminal. They like to think they are smart but they are not as smart as they think they are because once you start looking at what's going on inside a computer there are all sorts of little bits and pieces we can find.

If data is stored digitally then it can be imaged and analysed using computer forensics techniques and tools. Digital evidence can be used to show that a crime has been committed, identify suspects, defend innocent parties, or help understand the motives and intent of individuals. When the management of information is computerised there is an increase in the vulnerability of that information and an increase in the opportunity that the information may be subject to some form of unauthorised access, computer misuse or computer crime.

Computer crime is growing at an exponential rate. Anyone who uses a computer, anybody who has records on a digital system should be worried; they should be really worried, should be really scared – just to put your mind at rest for the weekend [laughter]. I am sure all of you have had emails purportedly from your bank asking you to send your password and your account details because their server has gone down and they would like some information – don't do it, that is an example of phishing, with a 'ph' rather than an 'f', and is one of the most common crimes in computer crime today. There are all sorts of other stuff. Also computer crime comes in many guises including crime against organisations, such as sabotage of data or networks, virus attacks, financial fraud, theft of proprietary information, denial of service, unauthorised website access / misuse. But also against individuals, such as Cyber-stalking, e-mail issues (phishing, flaming, defamation, harassment), access to personal data, identity theft (worth over a billion pounds to the UK and that's only the tip of the iceberg we know about), manipulation and/or loss of data, economic theft.

Computer forensics is much more than turning on a computer, making a directory listing and searching through files. There are rigorous processes and procedures

[24] For reference to Locard's exchange principle see Casey, E., (2004), *Digital Evidence and Computer Crime: Forensic Science, Computers and the Internet*, 2nd edition, Elsevier Academic Press, San Diego, CA.

which need to be followed. It is very easy to 'contaminate' a suspicious situation by 'looking to see what's wrong'. In the UK, the procedures for the collection of evidence are defined in the Association of Chief Police Officers (ACPO) Good Practice Guide for Computer Based Evidence.[25] The ACPO principles are:

- No action taken by law enforcement agencies or their agents should change data held on a computer or storage media which may be relied on in court;

- In exceptional circumstances, where a person finds it necessary to access original data held on a computer or storage media, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions;

- An audit trail or other record of all processes applied to computer based electronic evidence should be created and preserved. An independent 3rd party should be able to examine those processes and achieve the same result;

- The person in charge of the investigation (the case officer) has overall responsibility for ensuring that the law and the ACPO principles are adhered to.

In any computer forensics investigation it is important that both evidential integrity and evidential continuity (i.e. the chain of custody or chain of evidence) are maintained.

Evidential integrity requires that the material being examined is not changed in any way. What is examined must be an exact copy of the original. That's the nice thing about digital data, we can take an exact image, we've got the hardware and the software to take out a disk and make an exact image off it, bag and tag the original, and do what we like in our investigation. *Continuity of evidence* refers to the means used to vouch for the actions that have taken place regarding the item under examination. This covers the seizure, handling and storage of equipment and copies.

The principles of computer forensics can be employed in corporate governance contexts in order to monitor the integrity, authenticity, reliability and completeness of records and support the structural, operational and maintenance components of corporate governance. The tools of computer forensics can be used to investigate computer records, for example to determine when records have been accessed, if they have been changed or to determine the logical location of the intrusion or indeed when records have been deleted. The difference between the need for computer

[25] Association of Chief Police Officers, (2003), *Good practice guide for computer based electronic evidence*, NHTCU, London.

forensics and the existing tools of records management is that computer forensic tools are required when the perpetrators of the unauthorised access attempt to hide or cover their trail.

Computer forensics can help in carrying out the functions of corporate governance by fostering ethical behaviour in the management of data and information, ensuring compliance with corporate legislation, encouraging business efficiency and helping when potential disasters take place. Business performance can be enhanced by use of computer forensics tools in that any breaches of security can be discovered and corruptions of data can be recovered and/or restored. If any of you have had a hard disk crash or you can't get access to it, if you go to some of the recovery firms you can pay something like a thousand pounds to get your hard disk recovered because the data you have is very important. They are ripping you off; it's a 10-minute job. We can use computer forensics tools to recover that very easily, so negotiate with them if you find yourselves in that situation.

Computer forensics can contribute to the issues raised in Willis' paper in terms of:

- transparency – application of ACPO regulations and standards for example;
- accountability – use of computer forensics tools can indicate who has done what to records and when they did it;
- due process – computer forensics can be used to determine cybertrails and analyse digital evidence – which in turn can be used as evidence in cases indicating levels of guilt or indeed levels of innocence. The use of clearly specified procedures helps in ensuring due process;
- rule compliance – having in place computer forensics principles and the related processes of computer security allow corporate governance structures and compliance with rules to be enhanced.
- information about records management – computer forensics analysis of records management can indicate any deviations from the norm. If miscreants attempt to bypass the Sarbanes-Oxley Act regulations then the tools of computer forensics can be used to determine what attempted "cover ups" have taken place.
- security of information – the expectation that personal and corporate information is secure can certainly be enhanced by using and applying computer forensics principles in an organisation as part of that governance expectation – firstly computer forensics acts as a deterrent to potential misdemeanours and secondly the principles and tools allow for recovery and analysis

Consideration of computer forensics processes and procedures in an organisational setting can enhance the provision of systems in terms of the robustness of systems, the verification and validation of records and the information gathered about the information. The processes and procedures can be applied to standalone and to networked systems and also to computer peripherals.

Thank you very much. [applause]

Ceri Hughes

Any immediate questions from the panel?

Vicki Lemieux

I just have two words for Alastair, Spit and Vomit [laughter] being two types of voice over IP attacks that you didn't mention! [Spam over Internet telephony (SPIT) and voice over misconfigured Internet telephones (VOMIT)].

Ceri Hughes

What strikes me – I am very new to computer forensics and I imagine many of you are – is there are considerable links between the effect that proactive and reactive use of computer forensics can have on improving both business process and corporate governance. There is a real distinct link there between computer forensics and records management so hopefully again that will come out later in the discussion. Thank you.

We'll move now to our third statement. Again, like Alastair's statement, this is a statement from someone within a discipline that is related to what we do but quite distinct from what we as records managers will be performing day in day out. **Victoria Vallely** from Eversheds solicitors will now give us her statement.

Victoria Vallely

I work for Eversheds. I'm based here in Newcastle and I work in the Human Resources Group, so that means I am an employment lawyer. I've worked for the firm here in Newcastle for two years and before that I practised in London working for Allen & Overy, so I had a different client base. I act for a lot of public sector clients now - NHS trusts, education bodies - but predominately my practice in London was major financial institutions; and I worked on secondment at a number of financial institutions, Bank of America, Bank of New York and also HSBC. One of the things that I did while I was there was implement some global data protection compliance programmes. So one of my key areas of interest is data protection and privacy issues. I think one of the other things that I experienced being on

secondment was actually being in the front line in terms of employee relations and I am sure a lot of you who deal with records management have that interface as well. Looking at the article, the question asked 'Is records management the management of risk?'

As an employment lawyer my answer to this question is a resounding yes! For me it is all about risk minimisation. Possibly every meeting I go to will end with the question 'what are my risks in this situation?' - so it does boil down to that for me. I was chatting to James [Currall] just at the start and he identified very quickly that I have a low risk threshold and I think that is very true [laughter]. He sussed me out before I even got up here. The article focuses on corporate governance and states that "record keeping is a key component of any organisation's corporate governance and critical to its accountability and performance". It goes on to say that sound information and records management delivers six key requirements for good corporate governance as follows: transparency; accountability; due process; compliance; meeting statutory and common law requirements; and security of personal and corporate information.

My work involves advising HR professionals and in-house lawyers on a range of employment issues, often focussing on information management and in my experience this has touched on all of these key areas. I have some examples which I believe illustrate that good practice in relation to record management can help minimise legal risk in any organisation.

Litigation risk

Discovery/disclosure of documents

In all Employment Tribunal proceedings orders will generally be made for disclosure of documents. The parties are obliged to disclose all documents that are relevant whether or not they support or damage that particular party's case. That's something that is often very hard to take and I often have to tell my clients this does not mean that you can run off to the shredder, because I think that is sometimes unfortunately a lot of clients' initial instinct when it comes to the discovery process. Where a party is unable to make effective disclosure because records are not accessible their case is often severely hindered and it makes my job a lot more difficult. If voluntary disclosure is not made then the party may be subject to a specific order for disclosure of documents or indeed a specific discovery order relating to key documents that the other party has requested on the grounds that they believe such documents exist. In the worst case scenario failure to comply with a discovery order could result in a case being struck out.

Where an employer is unable to make effective disclosure it is very difficult to assess the merits of the case as, ultimately, the employer will have to rely upon oral testimony should the case reach the Employment Tribunal. It is a well-recognised fact that oral testimony does not carry the weight of documentary evidence. Where parties are able to make effective disclosure it gives both parties an opportunity to make an assessment of the merits of the case at an early stage and goes a long way to facilitating early settlement. One of the things that I always say is that an ounce of documentary evidence is worth a tonne of oral testimony and it really does boil down to that and I think clients really need to get that message that they must keep accurate records.

Accountability and transparency

In order to minimise litigation risk it is essential that employers are able to demonstrate how decision-making processes operate and demonstrate that appropriate policies have been followed. This is all about having a paper trail really. This is particularly relevant in relation to the new Statutory Dispute Resolution Regulations, which implement a statutory regime for dealing with disciplinary matters, dismissals and grievances. Both the disciplinary and dismissal procedure and the grievance procedure have prescribed steps, which require employers to have meetings with employees. It is vital that employers are able to demonstrate that such meetings took place and good documentary records of the procedure are essential.

The sanctions for failure to follow the statutory procedures are severe. In the dismissal context, a failure to follow the relevant statutory procedure can result in a finding of automatically unfair dismissal and an automatic uplift in any compensation awarded of 10% with discretion to increase the award by 50%. In the context of the grievance procedure again a failure to follow the procedure which is attributable to the employer can result in an uplift of any compensatory award by up to 50%.

A recent case on which I have been advising involved a dismissal on the grounds of gross misconduct. The employee brought his claim following the expiry of the usual three-month time limit for bringing an unfair dismissal claim. The statutory dispute resolution procedures extend time by a further three months if the employee can demonstrate that he believes that the disciplinary procedure was ongoing at the time when the original time limit expired. In the circumstances, we sought to have this case struck out on the basis that the claim was out of time. However, the employer was unable to rely on this defence as it was unable to locate the letter notifying the employee of the outcome of the final appeal. It was therefore open for the employee to argue that they had not been notified of the outcome of the final appeal and were therefore under the impression that the disciplinary procedure was ongoing. As a result the employer must now incur costs in defending these proceedings or indeed

settling them when, had accurate records been kept of letters that were sent, the employer would have been able to dismiss this case at the first hurdle.

Compliance/due process

Another issue which is highlighted in the article is that of when documents should be kept and when they can be disposed of. I have seen this issue cause difficulties for employers, particularly in the recruitment field. I am sure you have all attended interviews where the interviewer makes copious notes throughout. It is important that employers recognise that such notes are ultimately discoverable documents and therefore my golden rule has to be, if you would not be happy to disclose it then do not write it.

An example is where a female applicant was unsuccessful in her application she brought a claim against the employer on the grounds that she had been discriminated on the grounds of her sex during the recruitment process. As part of the pre-hearing discovery, the employer was obliged to disclose notes taken during the interview which clearly highlighted that the woman's plans to get married and have children featured as part of the decision making process.

Data Protection Risk

Generally employers will be data controllers for the purposes of the Data Protection Act 1998 (the DPA)[26]. A Data Controller is defined as the person who determines the purposes for which and the manner in which data is processed. The Data Controller in this context is obliged to comply with the requirements of the DPA in relation to employee data. Of the eight data protection principles at least three have record management implications:

- *Principle 4: Personal data shall be accurate and, where necessary, kept up to date.*
- *Principle 5: Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.*
- *Principle 7: Appropriate technical and organisational measures shall be taken against an authorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.*

Part 2 of the Employment Practices Data Protection Code focuses specifically on employment records. Compliance with the Code of Practice is not a legal requirement as the requirement is to comply with the DPA itself. However, the

[26] *Data Protection Act 1998,* (1998), Chapter 29, The Stationery Office, http://www.opsi.gov.uk/ACTS/acts1998/19980029.htm

benchmarks in the Code are designed to bring about compliance with the Act. The Code of Practice sets a number of benchmarks in relation to the retention and management of specific records such as sickness and accident records and disciplinary, grievance and dismissal records. The Code of Practice also deals with the issue of retention of records. One of the key issues in relation to effective records management is how long should records be retained for.

It falls primarily to the employer to set retention periods in the context of the DPA. No specific periods are given in the DPA or in the Code of Practice. The relevant principle in the Act simply states that personal data in a record shall not be kept for longer than is necessary for a particular purpose. However, any period set must be based on business need and should take into account any relevant professional guidelines. Employers should be aware that the DPA does not override any statutory requirement to retain records, for example, in relation to income tax or certain aspects of health and safety. It is therefore up to every employer to establish and adhere to standard retention times for categories of information held on record for workers or former workers. These retention times should be based on business need. For example, an employer may wish to retain records regarding dates of employment, disciplinary records and grievance files for employees for at least the duration of employment and for a period thereafter. As general guidance I would recommend that such records are retained until after the expiry of the limitation periods in which a former employee could potentially bring a claim against the employer.

It is important that employers observe the requirements of the DPA in order to avoid the risk of enforcement action being taken by the Information Commissioners Office. A failure to comply with the DPA could result in a fine against the employer.

Employees also have various rights under the DPA. The main areas include the right of access to personal data held by the employer, the right to prevent personal data being processed, which would include retention, where the processing is likely to cause damage or distress and rights in relation to automated decision making. An employee will also have the right to have inaccurate data erased and the right to receive compensation for damage caused by a breach in the DPA. In this context compensation is potentially uncapped and will relate specifically to the damage suffered. There is therefore a possibility that if an employer suffers adverse consequences as a result of the retention of records in breach of the DPA, then they could also bring a claim for compensation as a result of damage suffered.

In relation to employment records I would highlight the following top tips for employers to help minimise risks in relation to record management and ensure compliance with the DPA:

- identify where personal data is kept in the organisation and determine the purpose for which any information is held;
- have a Data Protection Policy which is communicated to all managers and employees;
- identify a person responsible for policy implementation;
- ensure all employees are informed as to what personal data will be kept relating to them, why and to whom it may be disclosed;
- amend the disciplinary procedure to incorporate breach of data protection rules as a disciplinary matter;
- draw up a document retention schedule and implement it;
- housekeeping - review all personal data (new and old) and consider what information is still needed and why (is it relevant, accurate, etc), whether it is up to date or obsolete, whether it should be deleted;
- review the security arrangements for all personal data held.

Freedom of Information Act 2000

The Freedom of Information Act 2000[27] (FoI) came into force on 1 January 2005 and provides a general right of access to information held by public authorities. Subject to a number of exemptions, any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, if so, the public authority must communicate that information to the individual. Good record management practices will be an essential part of successful implementation of the FoI. If you know where the information is, it will be far easier to retrieve it and therefore comply with the 20-day statutory time scale for responding. The Lord Chancellor has issued a Code of Practice on records management under Section 46 of the FoI[28]. It sets out proposals for all stages of records management i.e. record creation, record maintenance and record closure. It will be a criminal offence for a public authority to alter, deface, block, erase, destroy or conceal any records held with the intention of preventing disclosure. The offence can be committed by the public authority and any person who is employed by it. It is a summary offence, punishable by a fine not exceeding £5,000.

To conclude, my view is definitely that good records management is a tool that facilitates risk minimisation and that's what it's all about for me. I am however also mindful that the requirements of the Data Protection Act in relation to things like

[27] *Freedom of Information Act 2000,* (2000), Chapter 36, The Stationery Office, http://www.opsi.gov.uk/ACTS/acts2000/20000036.htm

[28] Department for Constitutional Affairs, (2002), *Code of Practice on the management of records. Issued under Section 46 of the Freedom of Information Act 2000,* www.dca.gov.uk/foi/codesprac.htm

document retention are quite prescriptive and I think that whilst I would always err on the side of caution I do try and advise my clients to take a pragmatic approach to the issue to avoid them becoming bogged down in what sometimes can be the very onerous duties that good records management practice can impose. [applause]

Ceri Hughes

Panel, any immediate questions for Victoria? [no response] A number of interesting points there I think, not least another soundbite! We had some great soundbites yesterday. I saw a lot of you scribbling down Victoria's 'an ounce of documentary evidence is worth a tonne of oral evidence'. I wonder how long it is until we see that in the strap line of a Records Management Society Bulletin article or a Records Management Journal article.

But there were two very interesting points there that I hope we will come back to in the discussion. First of all, Victoria touched on the link between *demonstrating how decisions are taken*, the link between *what we do* and the *decision making process* in organisations, as organisations grapple with this issue of risk management, or what Victoria at the end described as, *risk minimisation*, rather than risk elimination. I think a lot of us work with managers who are very focussed on *risk elimination*, which is probably a holy grail that's unattainable. So, the link between demonstrating how our role contributes to demonstrating the decision making process. Interesting, I hope we come back to that later on. Also the link between *risk management* and the determination of *retention schedules* and when records should be kept, when they should be destroyed. Someone raised this comment last night, so hopefully they are jotting down a few notes now so I can come back to them later on for some comment. So, thank you Victoria.

The next statement is from last night's host **Michael Dunleavy** of Iron Mountain.

Michael Dunleavy

Good morning everybody. I'm Mike Dunleavy. I am the Director for Iron Mountain's Public Sector Division and also for their newly formed BPO Division. I'm sure people are familiar with that acronym - Business Process Outsourcing. I've worked in the records management industry for about 10 years, eight years of that in a commercial space and the last two years in a public sector arena, so that hopefully establishes my background.

My bit's going to be brief you'll be pleased to know because I see lots of the issues as very black and white, which is opportune considering we are in Newcastle and surrounded by black and white photographs and black and white stripes! But I do see the issues as being very black and white.

Coming across on the train yesterday, it's amazing what comes into your head when you are sitting on a train looking out of the window. I was sitting there thinking you guys are going to have lots of talks and lots of presentations over a couple of days and it is always hard to listen to those things. And I was thinking, how am I going to capture these people's imaginations? How am I going to re-awaken them to listen to my bit rather than listening to the next one or the previous one. I thought, shall I tell a joke? I thought no, I don't know any good jokes. But I came up with a ditty, it just came into my head yesterday whilst I was on the train, here goes:

There was a young man who had a problem with compliance
So with his records manager he duly formed a very strong alliance
Together they worked and worked and planned and planned
And implemented policies and procedures right across the land
Now any audit they come up against
They pass with flying colours
And with little or no complaints!

So, is records management about the management of risk? Yes it is, absolutely, definitely. Records management is about the management of risk but I think it is so much more than that. I'm going to end my talk by challenging you guys, so bear with me on that.

I'm from Iron Mountain. I introduced myself to you last night and you guys have all got a great sense of humour, you make quips about Iron Mountain. We're a commercial organisation, we try and make lots of money out of the records management space. Sorry, not embarrassed by that, that's what we're about. I have heard Iron Mountain described as 'the dark side' [laughter]. We are not the dark side. What I took away from yesterday, and I am sure today is going to be the same, is the passion of this group of people and the frustrations of you guys and I've been reflecting on that.

Records management is undoubtedly about the management of risk. I think it was our Chief Executive, Richard Reese, who coined the phrase 'it's moved out of the backroom into the boardroom'. But with that comes a challenge, because the guys do walk out of the boardroom thinking about risk and compliance and those issues; and then it drills down and becomes part of a records management issue. But it is almost like two triangles, one on top of the other. They come out from the top coming down whereas some records managers are looking at it from the bottom coming up and when those two points meet there's so little in common between those two thought

processes, because a records manager is looking at it one way and a Chief Executive is looking at it in a completely different way. I think challenge number one for you guys is to make sure that when you do meet the Chief Executive that you are talking the same language. You've got your nose on the same issues so that you can engage and talk to those people. Yes, pander to their egos, they're all big egotistical people. Be able to deliver the compliance piece and the risk piece because that's what they want to hear; but then take that opportunity to do all of the other good stuff that records management is about. That's where the challenge comes from. I think it was Barbara [Reed] who yesterday spoke about one Chief Executive who actually started work in a registry. I bet that guy is a good guy to bump into from a records management point of view. Most of the others didn't start that way. Lots of them are accountants, trust me.

I said I really enjoyed your company yesterday and I'll enjoy it today because of your passion and listening to your frustrations, it really was an eye opener to me. That isn't some spin, I genuinely mean that. What I took from it, from Iron Mountain's perspective, we don't see enough of you guys. I've met, in businesses, a director of business continuity; what sort of a job title is that? And I've met compliance officers and I've met chief information officers. I've never met a director of records management and I've never met a really senior executive whose job one is records management. We don't see you guys. I think that reflects in the way businesses approach us. I speak to IT officers and chief executives and accountants who come to us and they are treating records management as a headache, as a problem, as a cost and they come to talk to us and kind of just throw it over the wall. And I think that's why sometimes we are viewed as the dark side because the people that we actually should be communicating with is the records management people but we don't get to see you. We don't get into those meetings and I guess what happens is we'll make a pitch to the financial people or the chief executive, he might buy that pitch. He will then tell the records management department: 'this is the way it is going to be going forward guys' and you lot will say: 'who's this Iron Mountain? I've never met them. What's it about?' And that's why we get perceived as the dark side. So that's my second challenge to you. I wish we could see you more, be interacting with you guys, either around a table with the senior executives or before we even get to meet with the senior executives, because they do just look at records management, from my experiences, as a cost, as a risk that has got to be managed.

Earlier witnesses have already made the point, which I think is a very important point, and again I guess it's a buzz quote, a hot quote, but without any records there is no compliance and without compliance you have got risk. One of the early questions yesterday was about Sarbanes-Oxley. I nearly grabbed the microphone but I thought I would leave that for today. I work for an American organisation, we've been through the Sarbanes-Oxley grinder. Messrs Sarbanes-Oxley, I'm pretty sure

they've got a sideline of being a paper merchant because the amount of paper that Sarbanes-Oxley produces is absolutely phenomenal. Our records management policies get challenged. My own records management policy gets challenged, so I did tidy my desk that day.

Increasingly, records management is about the management of risk and that risk is evolving and that risk is changing, moving more from challenges about SLA (Service Level Agreements), challenges about specifications and the like, into more of compliance. So, I think the risk piece has evolved somewhat, but again, I keep on throwing these challenges out to you and it is dead easy for me to do, because it's not my challenge, it is your challenge unfortunately. Records management is about the management of risk but, if you guys just get channelled down that, you are going to become a one trick pony and that's not what you want to do.

I heard your frustrations yesterday and I learnt from that. I was delighted with the BPO type conversations that were going on yesterday; people don't produce records unless there is an end game, unless there is a reason to produce records. Businesses don't produce records just for the fun of it. A record is produced for a reason, for a business process, for a need. We talk about it in our business when we are making a pitch: 'we are trying to help you make your information work for you'. So it's not just about the risk. I agree 100% with Anthony Willis' article. Records management is about risk, but it is about so much more than that.

I actually said in my paper, records and information management is sexy because I think it is, I think it is dead interesting and I think, you know, business process, there's opportunity, there's commercialism, there's the desire to deliver a service if you work in the public sector. That to me is what records and information management is about. The management of risk is a part of it; it's a percentage of it. I've written down here it's 'x' percent of it, aren't I brave? I didn't really want to say what the percentage is because I don't know. Shame on me, maybe I should know. Is it 50% of the task of a records manager, the management of risk? Is it 90%, 10%, I really don't know? I would be interested in your perspective.

I said my bit would be brief, I'm very black and white. There were a few questions at the bottom of the introduction to this piece. Is records management the management of risk? Yes it is. So much more than that, but yes it is about the management of risk. Is the context changing and evolving? Yes it is. It's moving more - for risk read compliance. Should records management hitch their wagon to those issues? I think they should hitch their wagon to those issues, I think they'll be forced and are being forced to hitch their wagon to those issues and I think there's a huge benefit to that and there's a potential pitfall to that.

The huge benefit to it is it gets you guys back in the game. (Very interesting debate yesterday about the chaos issue. The Chief Executive is coming out: 'oh my god, oh my god, Sarbanes-Oxley, Sarbanes-Oxley, I need help, I need help, I'm going to reach out to the records management'. I almost see them sometimes opening the door and finding this records management guy sitting there covered in dust and he wakes up as the chief executive walks in and he says: 'I haven't seen you for the last 10 years - but I need you now'. It's getting you guys back in the game, which is a huge benefit.) The huge pitfall is if you become a one trick pony. You know you are going to hold all the cards in terms of helping with the compliance issue but don't become a one trick pony. That's your opportunity to get back in the game and to do the compliance bit, get them over the hurdle and say: 'OK, let's talk about the business processes, let's get back doing what we were put on the earth to do'.

That's my piece, thank you very much. [applause]

Ceri Hughes

Well, a number of interesting things coming from that statement. I am sure the preceding three panellists are feeling quite hard done by, that they missed the opportunity to get their records management ditty in. [laughter] Maybe our final speaker will include one. In all seriousness, I think there is an interesting link there between what you've said Mike [Dunleavy] and what you said Vicki [Lemieux] around understanding our stakeholders, *understanding our managers, our users and speaking their language*. Vicki [Lemieux] suggested that we do that by getting to know their language and getting to know their *priorities* and incorporating *their way of working* and their priorities, their influences into what we do in order to influence and in order to rule territorially. There is an interesting link there. You focussed also on what is risk, what does it mean to us and I think we'll come back to that in the questions later.

So, to our final statement which, from reading the statement in advance, I know is going to touch on lots of the issues in the paper and lots of the issues that have been alluded to or covered earlier on in the four statements that we've heard. So, now to the final statement, to **James Currall** [Glasgow University].

James Currall

Michael [Moss] introduced me yesterday with a bit of Monty Python: 'and now for something completely different!' [laughter] David [Wainwright] introduced himself yesterday as being a cuckoo in the nest. Well, 'you aint seen nothing yet', as Randy Bachman [of Bachman Turner Overdrive] might have said.

I think we have had far too many readings from the Book of Job and what I propose to do is to lead you to the promised land and like all good messiahs my initials are JC. Right!

OK. We've had what I consider to be, so far, a rather cosy consensus. My boss says if his senior managers all agree, they are up to something, and I am going to go head-to-head diametrically opposed to some of the things that some of my colleagues have said, and they of course will have the right of reply. Where do I start? OK…

In order to address the questions that are before us, I divide my pitch into three parts. The first is about records management, the second about risk and the risk continuum and finally I will draw some conclusions, which will I hope, get some of my fellow witnesses at least a little excited. Along the way, I will respond to Anthony Willis's thought provoking article, which although the starting point in this session, I will argue is not really about risk.

Why manage records? Perhaps a strange question in the context of this gathering and not one that demands an answer at this point. At this stage I will simply assume that there are one or more very good reasons and pass swiftly on.

My background is as a statistician and I have one thing in common with you guys, just the one. I don't know how many of you go to cocktail parties and people ask you what you do and when you tell them they find some reason to talk to somebody else. [laughter] I'm told that the same happens to statisticians although I've never been to a cocktail party knowingly and so I wouldn't know.

In any business activity there is an important trade-off between doing the business and leaving a record of what has been done in the name of the business. It is difficult to imagine any business activity leaving no trace, Alastair [Irons] has given us an interesting perspective on precisely that; but leaving a trace that will satisfy all purposes for which it might be required is quite another thing. Leaving a good and reliable record of activity requires deliberate action and not inconsiderable effort, but how do we decide what action and how much effort. In short, how do we make this trade-off and decide where to draw the line in action and effort, so as not to consume more resources than are necessary?

Most people employed in any business activity will create (and probably manage) records and at this stage, I don't wish to pre-empt the later discussion as to what or who a records manager is, but if this is the case (s)he must be adding value in some way other than simply creating and looking after records. I would suggest then that if the discipline of records management is about anything, helping to guide decision-

makers as to where to draw the line and make an appropriate trade-off must at least be an important part of it, otherwise it would look suspiciously like simply another overhead and perhaps even a drag on progress.

At this point I would make an allusion to something that Barbara [Reed] said about records managers finding themselves nice little comfort zones of niches in various decades and actually doing something else; fiddling while Rome is burning, if you want me to be contentious about it.

Anthony Willis's article would seem to suggest that it has quite a lot to do with, perhaps even being a vital component of, good corporate governance. He talks about 'due process', 'transparency', 'accountability', 'compliance', 'proper systems', 'legal obligations' and 'security'; which all sound very worthy, serious and important, but I would struggle to define any of them in strictly objective or absolute terms and would defy any of my witness colleagues so to do either.

This is going to be first point at which I am going to disagree absolutely with something that one of my fellow panellists has said. I don't agree with Vicki [Lemieux] about the definition of risk, so I will give my definition of risk.

It is high time that I started to address the questions, both explicit and implicit, laid before us in this session. Risk - what is it? I will start by saying something that I think that it is not. It is not simply a list of hazards or nasty things that might happen (Book of Job). A risk has at least three components: a contingency, a likelihood of that contingency and an impact should it come to pass. Risk operates in relation to a future time horizon, involves subjective judgments about the future and its analysis and management requires an openness to uncertainty, change and innovation.

Key to all of this is uncertainty - uncertainty of future actions, events, outcomes and value, which is the reason to take on the risk. Something that will happen under a particular set of circumstances is not a risk, it is simply an inevitable consequence because there is no uncertainty involved. Risk is about uncertain outcomes both unanticipated opportunities and problems but it is often presented purely in terms of anticipated problems. In life, if we are ever to achieve anything, we must take risks, leaps into the 'unknown'. It is this that enables us to make progress and permits innovation and business growth. It is required just to get out of bed in the morning ... and also to stay in bed. Risk-taking provides opportunity, allowing things to go right in new ways and in new directions allowing business to learn and improve. Risk-taking also exposes us to hazard, allowing things to go wrong and this is what many records managers seem to get hung-up on.

If anybody wonders what my risk threshold is - Victoria [Vallely] mentioned she has a low one which it didn't take me long to figure out - they've only got to try crossing the road with me! [laughter] I feel very responsible for little old ladies that sort of follow me when I cross the road.

Compliance with regulation and legal obligations are the areas which are frequently cited by records managers as 'risk areas' and we've heard a lot of that this morning. If you take the line that Anthony Willis takes, compliance is not an option, it is simply a requirement from which there is no escape. That seems to be what Vicki [Lemieux] was saying this morning, she said: 'rules and laws have to be complied with'. If you agree with him, then you are not talking about risk; when you consider these matters, there is no uncertainty, just compulsion. However, you will recall that I laid down a challenge to provide objective and absolute bounds in such areas. To illustrate…

Raise your hand if you have driven a car in the last week, perhaps on your way here this morning. [most hands are raised] Now lower your hand if you did not knowingly break any law in relation to that driving activity. [most hands remain raised] The result would seem to suggest that not everyone sees a strictly Willisian absolute in the laws relating to driving a motor vehicle. We are now in the territory of risk. You knowingly broke the law because of the uncertainty of outcome in relation to that contingency. You took the risk to gain a benefit or value and thought the risk of getting caught was acceptably low or that the result of getting caught was worth the benefit that you derived from failing to comply. We are now in the territory of trade-off. You go to the fun fair and scare yourself half to death on the roller coaster for the thrill of the ride, the chance to experience new opportunities, whilst exposing yourself to the small but finite chance that you will be killed or seriously injured.

I would now like to disagree with Victoria [Vallely]. I would agree with anybody who says that risk elimination is very difficult - it's impossible. Risk management is not, underlined, not the minimisation of risk, it is the management of risk and management and minimisation are not the same; they don't mean the same and the consequences of that are very important.

As a result of a handful of instances of decidedly questionable business practice, particularly in the United States, a rhetoric of zero tolerance of risk (and therefore in my terms not risk at all) has developed around a raft of new legislation that seeks to stamp out risk and impose a 'thou shalt' culture. This is all wrapped up in the language of audit - transparency, accountability and all the rest. Records management seems to me to be aligning itself with audit, about which more later.

This is what Bill Sharon[29] terms risk in relation to *'what should be'* and I might term hazard avoidance. This is all about risk in the negative sense and might be music to the ear of audit, but it is hardly likely to excite either operational management or business leaders, who are interested in the effectiveness and efficiency of operations on the one hand and driving the business forward on the other. In this mode, records managers are likely to intensify their feelings both of isolation and that senior managers don't listen to them. I think Michael's [Dunleavy] comment about one trick ponies is probably relevant here.

Yes compliance with relevant regulation and relevant legislation is important, but these things are not absolute and it takes careful risk analysis and judgement to provide the organisation with useful advice on just how little effort it can get away with, so that resources are not channelled away from productive activity into non-value-bearing overheads. If we had more time, I could put up a pretty convincing argument that the University of Glasgow could employ all the resources at its disposal on complying with the Freedom of Information (Scotland) Act (2002)[30] as interpreted by the Scottish Information Commissioner [SIC]. If it did it would be a gross misuse of public funds and it would fail in its responsibilities in relation to teaching and research. The University senior management needs to trade-off expending resources in this area, with failing to deliver what the University is there for. The question is should records managers be helping them to do this as cost effectively as possible, accepting that this will entail a quantifiable risk of incurring the wrath of the SIC (oh I'm scared)? That is risk management.

To be productive to the organisation, records management should be aiming to keep prevention to a minimum and to accept that attempts to impose high levels of control, where control is not absolutely necessary, entails considerable risks in itself. I may have to keep my personal financial records for seven years in case the tax man wishes to see them, but if experience tells me that the likelihood of being asked for it is very low, I may well destroy much of it when moving to a smaller house.

Now let us look at a more positive aspect of risk, risk in relation to *'what is'* or operational risk. This is about dealing with uncertainty in relation to the day-to-day work of the enterprise. Perhaps the most common engagement of records managers with this type of risk is in relation to the efficiency and effectiveness of finding information, but is this all there is to the relationship between records management and operations? I suspect that there are those that have made much greater inroads in

[29] Bill Sharon, CEO and founder of SORMS (Strategic Operational Risk Management Solutions) '*Risk management – what should be, what is and what could be'*, (2005), http://www.continuitycentral.com/feature0231.htm

[30] Freedom of Information (Scotland) Act, (2002), Asp 13, http://www.opsi.gov.uk/legislation/scotland/acts2002/20013--b.htm

helping to ensure that information serves the operational needs of their organisations. In this mode records managers are likely to have the ear of heads of operational departments, but we do have to bear in mind that again we are trading-off the amount of staff time and other resources that go into improving records management and the benefit (value again) that derives from the investment and helps to further the organisational strategic plan.

The emphasis here is on improving operational performance, on doing things better, but there is a cost to this and we need a high likelihood of benefit that outstrips the cost before we can justify the investment.

The most exciting area of risk, and we've heard nothing much about this so far, is that which takes the business forward - risk in relation to *'what could be'* or business development risk. This is risk in a positive sense. I would love to hear examples of records managers being involved in this sort of risk management. I don't know if records managers were key to building the business models employed by Walmart and Dell, but it is clear that records management is key to both. In this mode records managers would certainly have the ear of the CEO and the Board and would be talking their language, Michael's [Dunleavy] first challenge, the 'little in common'. You can't expect them to come and talk your language, you've got to go and talk their language. This is all about strategic advancement and moving the organisation forward. It requires an alignment with strategic objectives - where the organisation is going. It is enabling and a driver of change and would not leave the records manager feeling unlistened-to and unloved. With many organisations driven by information, enabling changes in the way that information is collected, used and managed has tremendous potential, and risk management of such development requires great skill. The risk trade-off here is all about bold initiatives that have the potential to deliver big benefits, but which need to have the risks of failure to deliver carefully managed, and who better to manage these risks than those who understand information management - will it be records mangers or perhaps the IT folk?

Right, now a conclusion.

We have seen that there are two ends of a continuum of risk. At the one end there is regulation based on known risks, which is a constraint on business, and at the other there is development based on new risks which is an enabler of innovation and change.

If records managers hitch their wagon to risk management at the negative end of this continuum and align themselves with auditors, they are doomed to obscurity, unwanted and unloved by those leading business as well as those trying to do their

jobs as effectively as possible on whom records management simply imposes burdens. If hitching their wagon means being seen as a branch of audit it might be the death-knell of the RM profession - no-one loves the internal auditors unless they are helping the business succeed and too often they are seen as a brake on development and progress.

If records management can take risk management onto a level where it is more concerned with operational and strategic success, helping their organisations to succeed then they could be riding high. The main problem that I see is that in many organisations, IT folk are already occupying much of this space, where they operate at all points along the risk continuum, helping in compliance, ensuring effective operations and enabling strategic advances. My colleagues in IT are very adept at formulating business cases for ensuring the continuity of current operations and also suggesting strategic investments to provide competitive advantage which might reasonably be expected to yield a good return on the investment. In carrying out such projects they employ effective models to manage risk and as a result have the ear of a wider range of people from those 'on the shop floor' through operational heads to senior management. In many ways IT has already claimed this territory in a much more positive and effective way. I might also add that whether or not they are fully competent to be able to deliver across the territory doesn't really matter *if they are perceived to be able to*. That makes a direct reference to a point that was made yesterday about IT folk not understanding the real issues - they don't care they don't understand the real issues! What exactly is it that records managers can contribute in this scenario that adds value to the bottom line?

So what do I think the relationship between records management and risk is? Well in my terms, the way I define risk, records management is simply risk management and little else, except for some of the comfort zone niche obsessions that Barbara [Reed] mentioned yesterday.

Thank you very much. [applause]

DISCUSSION SESSION

Ceri Hughes

Having had the advantage of reading the five witness statements in advance of today I did conclude that it was James' paper that would lead us into discussion quite effectively. To begin the discussion I'm going to ask Vicki [Lemieux] would she like to comment or respond to James' definition of risks compared to her own.

Vicki Lemieux

I would like to congratulate James for his complete misinterpretation of what I said! [laughter] I don't believe any more than you do that it is a catalogue of threats, in fact the definition of threats and vulnerability that I threw out is a working definition for this paper [Vicki Lemieux's witness statement]. What I wanted to emphasise was the post-modernist approach, whether you call it post-modernism or not, the contextual based approach that has to be taken to the definition of risk. I do think in a lot of organisations it has become about listing threats, it's become very reactive. In quite the opposite of that, I wrote a book about risk management, which was published about a year and a half ago.[31] In that book I proposed a completely different way of looking at risk, a new methodology, which I think is very much in tune with taking (and I totally agree with you) a much more strategic approach - using risk management not to react to threats but for strategic advantage.

And the way we do that I think is, as records managers, not by going out there and scanning the environment for threats - although if you look at a lot of the information security literature it is very threat oriented. What we do is we look at what are the business objectives, coming back to what Michael [Dunleavy] was saying, what are we trying to achieve as a business? What are our strategic objectives? What are the functions and activities that we have to perform in order to achieve those objectives? And because I think that records creation is a by-product and a driver of achieving those business objectives, more of a driver even than of a by-product, you have to look at what information do we need? What records do we need in order to achieve our business objectives? So from that you decompose the business process and the activities to look at whether or not you have those records. Where you have a gap between the records you need to drive your business forward and what you actually have been producing, you have a risk. So then you set about, either to minimise (here again we agree, we are not as far apart as you try indicate – stimulating debate I know!) or accept that risk. We don't all have to comply with ISO 15489. We can say: 'well we'll take that regulatory fine, thank you very much, because it's going to cost us a lot more to implement the controls'. We can litigate it, we can transfer it through hedging or insurance. What we generally don't want to do is ignore it. I

[31] Lemieux, V.L., (2004), *Managing risks for records and information*, ARMA, Kansas.

don't think we are really as far apart as… [James Currall interjected: as my rhetoric] … as your rhetoric. It was good rhetoric!

Ceri Hughes

OK, we have a few minutes for discussion and in a list that stretches to about three or four pages of potential discussion topics that I have noted down, I think there are a couple we could focus on, and you'll have some of your own I'm sure. I'd be interested to hear from you about how you're operating, in what James [Currall] described as 'a culture of zero tolerance of risk'. If that's synonymous with your own organisation, that your management wants to operate in, how are you managing records with that sort of directive? Also your comments on what James [Currall] described as a very exciting area, risk in relation to business development. So, how you're using risk to grow what you do and contribute to the organisation's growth, of your environment and your operation, and any other comments.

David Ryan

I don't want to talk about any job I've had, but obviously I do read the newspapers and this is an area that we are all interested in. Maybe one of the things that strikes me about risk management is that it's interestingly a very mature, established process for areas such as the public sector or the finance sector, where there seems to be a heavy emphasis on this kind of activity. James [Currall] gave us an alternative example, with two companies, but actually maybe what they are is actually the flip side of the same coin, to do with this Book of Job issue. It's to do with your view of your business. So, in the example case, their focus on information management to improve their business processes is going in a positive way, but again they are in mature markets. What they are doing is focussing on improving information quality in order to differentiate between themselves and their competitors. But in reality that's what the people doing risk management are doing. They just make it sound like it's sackcloth and ashes. They don't actually present it in a positive way, but in the long run it will have the same impact. If an audit report is regarded by management and carried out, if the recommendations in an audit report are correct and acted upon, improvement in process will result.

I think, like I said yesterday, I'm quite optimistic about the future in these areas, because no matter whether you call it - risk management, records management, business process, ownership or whatever phrase you come up with - what we are actually leading towards, and Gary [Johnston] made a point about this, is the global economy - and we are only at the beginning of this for many companies. To compete in a global economy organisations are going to have to squeeze more competitive advantage out of their white collar operations in a way that is going to have to

transform the way they do these processes, and is incomparable to what they do at the present time.

Frank Upward

This is to Victoria [Vallely]. Transparency and accountability issues - to what extent are lawyers driving the sort of political processes that are creating deliberately uninformed decision-making? [laughter] As an Australian we've got our Tony Blair, John Howard, and we've had exactly the same Iraq experiences. I get over here and exactly the same things are going on politically, it's just the topic that changes. It's the fact that ministerial responsibilities create a situation where we don't want to know. Now in business, if you don't want to know, if you create uninformed decision-making, you finish up with Enron and all those type of situations. In government it seems like it has become the norm. To what extent is all this going to upset the applecart. Is this becoming conscious? In other words, is that the reverse side of the transparency accountability issue?

Victoria Vallely

Sure, I think there is an issue there. It's like that golden rule that I mentioned – if you wouldn't be happy to disclose it then don't write it, because obviously, to some extent, organisations have to be mindful of the fact that they don't want to put themselves in a risky situation. I'm sure my clients are all aware of how they could operate in certain situations where perhaps they would be clearly found to be in breach of certain employment protection legislation. But from my perspective, my job is to explain to them what the risks are and to say to them that if you are unable to demonstrate complete transparency then you're likely to fall foul of that legislation. So from my perspective, I haven't found that we are advising people to do certain things to try and get around it; from my point of view I would always be advising them 'this is best practice', 'this is how you should do it'. Obviously they don't always follow my advice, but to the extent we're trying to manipulate the situation to advise them to do things to get around it, I think it is very difficult to get around the legislation that is in place; and to be honest, my practice is primarily a respondent practice. I act for employers I don't act for claimants; but I think their job is incredibly difficult and that really it is balanced in favour of the individual and not the employer. I'm intrigued to understand a practical example [directed to Frank Upward].

Frank Upward

I'll quote you an example, that of Iraq and weapons of mass destruction.

Victoria Vallely

Obviously there are certain areas where we would be trying to avoid a client having to disclose certain things, but I wouldn't be able to advise them not to disclose something. In certain areas, particularly in data protection where someone is talking about emails, email trails and things like that, I have run the defence of disproportionate effort, where it is going to cost them thousands to trail through emails where a claimant in a race discrimination claim, or something like, that believes that there were emails going back and forwards about them. But to be honest, the way that the case law has developed, it is very rare. There have been some recent decisions, the Durant decision for example, which some of you might be familiar with, which actually did narrow the scope for claims to actually track information by narrowing the definition of their personal data[32]. But yes, there will be circumstances I would try and prevent disclosure, but only legitimately.

Frank Upward

Just a comment, I apologise, I didn't mean to make it sound like a personal attack on lawyers. [laughter] The process is there are legal advisors providing client-directed advice and I was just wondering to what extent lawyers are aware of this.

Victoria Vallely

No, no, that's absolutely fine. James [Currall] was talking about risk management, not risk minimisation. For me it is all very well talking about abstract concepts of what is risk, but to say the two are not the same thing is splitting hairs; because when I sit down with my clients, if I say to them 'I'm going to manage your risk here', that's just not good enough. They want me to minimise their risk. Ideally they want me to eliminate it, but obviously we've discussed that you can't eliminate it. Lawyers have to find ways to try.

Ceri Hughes

In the interests of time, we are only able to take one more comment, Paul you've got the mike.

Paul Dodgson (Leicestershire County Council)

[32] Durant v Financial Services Authority, (2003), EWCA Civ 1746, Court of Appeal (Civil Division), http://www.hmcourts-service.gov.uk/judgmentsfiles/j2136/durant-v-fsa.htm. This case was between Barclays Bank plc and one of its customers who sought disclosure of records in connection with a dispute. The judgment clarified the meaning of 'personal data' and 'relevant filing system' and gave a more restricted interpretation of the link between data protection and privacy rights than that of the Information Commissioner. See also Information Commissioner's Office subsequent revised guidance. *Durant vs Financial Services Authority Court of Appeal's ruling*, (3 Feb 2004), http://www.ico.gov.uk/upload/documents/pressreleases/2004/pr%20new%20guidance%20-%20durant%20v%20fsa.pdf

A very quick comment about Durant v the Financial Services Authority. It does narrow the definition in terms of private sector organisations but FOI captures the other end of it. So Durant is good for commercial bodies but it's bloody useless for public authorities. Forgive me if I go into literature because it was one of my failing subjects, but I think it was Oscar Wilde that said 'an idea is not worthy of being called an idea unless it's dangerous.' Therefore, if you want to move forward and you want to achieve something you have to accept risk. You have to, at some point in time, say there is a risk of doing it, let's just get on with it and take the risk and what the hell. But there's a danger with that. I get people putting in requests to me about advice on data protection and other matters and I will say to them 'I'll ring you up because if you want me to write it down I'll give you the written version, but I'm not taking the risk of saying to you "take the risk and do it this way", because then I'm putting myself at risk'.

And then I started to realise I was creating a major problem here because we are diluting the record by not keeping a record of the events, because I'm becoming more and more risk averse in relation to the personal implications of something happening. So there is an inherent danger in the way you look at risk in the email environment for example. I never, ever give advice on DPA by returning an email. I don't know whether that is right or wrong. I always ring them up and say 'this is the score. Do it, these are the risks, but if you send another email to me I'll tell you what the score is from a Data Protection perspective and not from a risk management perspective.'

Ceri Hughes

Very briefly then, summing up some of the issues from a whole raft of issues and unanswered questions that we've uncovered this morning, and many more I think if we'd had more time that we could have scratched the surface of a little more. Each of the panellists has put forward an explicit or implicit definition of risk for them and I think it is fair to say that risk means different things to different people, in different contexts, and I think that is something we can pick up in the discussions over coffee. Another thing I would have liked to have touched on more is how we, in the definition of the seminar Julie had proposed, how we as records managers might hitch our case to the management of risk, the whole issue of risk management. And perhaps that's something we can discuss more in the next few minutes.

Just last night I came across a quote from February of this year from Chris Hurley whose paper we discussed yesterday. Quite an interesting quote in the interview, he says that 'risk analysis lies at the bottom of everything we do, what to make, what to keep, for how long, how to maintain it, how to protect it, what access controls to run,

the whole catastrophe.'[33] I think 'the whole catastrophe' sums up what we have just uncovered this morning as quite a wide ranging issue with lots of potential pitfalls and many, many unanswered questions.

So thank you for your input into the discussion. I'm sorry time was so limited, but sincere thanks to the five panellists who have unearthed for us a whole range of issues which I hope will fuel your discussion over coffee and lunch. Thank you very much.

[33] Hurley C., (2006), RIM's knight in shining armour talks digital, *IQ magazine (the Australian Journal of Records and information Management)*, Vol. 22 (1), pp 16-19.

PANEL DISCUSSION:
A view from the bridge. Issues and impressions
11.15-12.15am

Chair: Mr Carl Newton, Visiting Professor in Archives, Northumbria University

Panellist: Peter Benfell, United Nations
Panellist: David Faurio, Bibliothèque Nationale de France
Panellist: Susannah Hanlon, Northumbria University

WELCOME TO THE PANEL DISCUSSION

Julie McLeod

You will notice that the next session is not labelled as a witness seminar and that is because it is slightly different.

When we attend conferences we usually have a number of aims; for instance, to learn about a particular topic, to network, to get a feel for what is happening, perhaps to informally benchmark our own progress or practice - *to gather intelligence*. We wanted to take the opportunity of doing something similar this week – to get a sense of what this group of delegates is thinking and doing. So, we invited three people, from different backgrounds, to help.

Since the start of the conference, but particularly last night and hence the title of this session, they have been trying to get a sense of what we believe is the essence of records management and also to engage in exploring a topic of particular interest to them. They have acted as 'intelligence agents' if you like, working under cover; but not to expose individuals, rather *to form an impression of our views*. And in this session they are going to share their assessment of our views on first, what is the essence of records management and then, a topic they chose themselves because of its particular interest to them. I should say that whilst we may recognise some of the views as our own, the panel will not mention anyone by name, even if they can remember who thought what.

Carl Newton, the School's Visiting Professor in Archives, is the chair of this session and I'm delighted to introduce him now. Carl has had a long involvement in archives and records management. Initially in local government, culminating as County Archivist of East Sussex, then in the private sector with British Steel and British Petroleum, before becoming a consultant. Though he retired in 2000 he has continued

to maintain his archive and records management interests. He is author of many articles in the professional press and was keynote speaker at the Records Management Association of Australia's conference in 1996.

Carl, I will give you the pleasure of introducing the three members of your panel.

PHOTOGRAPHIC RECORD OF PANEL DISCUSSION

CHAIR'S INTRODUCTION

Carl Newton

Thank you. I did have some problems, I must admit, when I was invited to take part in this event; three problems actually. First of all it was called a 'Witness Seminar', which gave it, to my feeling, a distinctly religious aura [laughter] and as someone with what I might call a left-wing non-conformist origin that was particularly worrying! The second factor which somewhat disturbed me was there are an awful lot of professors about! (We have managed to get rid of one of them! My good friend Philip [Jones] who won't be here.) Fortunately the proceedings have turned out to be not too academic. The third problem for me was that I didn't have a black and white striped shirt.

Now this session has got to be driven with great precision as lunch is the next item on the agenda so I'm sure you don't want any delays. Therefore, I have provided myself with the essential instrument for good chairmanship which is this - a small hammer. [laughter] I shall give each speaker 10 minutes and at the end of 10 minutes, I shall strike with this! [laughter] If you will notice that at the opposite end to the hammer there is a very vicious looking spike! [laughter]

Our first panellist is **Susannah Hanlon** from Northumbria University. She has taught in business and information systems in colleges of further education. She is now a Senior Lecturer in information, library and web management in the School of Computing, Engineering and Information Sciences. She has a particular interest in data regulations and ethics, which I think is going to be an issue for this session, and she has published on subjects relating to intellectual property. Susannah.

Susannah Hanlon

As you heard my background is to do with business systems and information systems and my more recent specialism is in the area of social, legal and ethical issues in the context of electronic data. I did actually find in my role as 'intelligence agent', as opposed to 'intelligent agent', that you were very reluctant to discuss ethics with me. I was trying so desperately to get a response but I did get responses to a couple of issues that I was investigating, one of which is the essence of records management, and the other was connected with the use of technology. I know that another of the 'intelligence agents' was more successful than I was in collecting, in squeezing some risks from you about ethical views and opinions.

So, I am actually a baby in the area of records management. I came here to immerse myself and find out what records management is all about, because a particular area of technology that I am interested in bears relevance to records management in particular, and I also want to be involved in the third circle of the Venn diagram

Steve Bailey referred to. I have obtained experience and a certain amount of knowledge in technology, in legal issues and I want to have involvement with that third one, the business processes circle.

It was very interesting asking people what records management is or how somebody would explain to a person in the street what their role was. The answers included things like 'well actually, I don't really know' and there was an interesting take on knowledge and knowing about things that I find very interesting from a philosophical point of view. I got a sense that people are unaware of just how much they do know in their job as a records manager and that because the work that you do spans so many different issues and questions and deals with chaos, that it is actually hard for us to recognise that we do know an awful lot and that all of you actually have a huge range of expertise to offer. I got the feeling of a real downplaying of your role as a records manager. Some people took the approach that we have to sell what we do to our colleagues, and to our chief executives, and we are saying things to them like 'we can save you time' 'we really have something to offer you' and 'we can prevent you from dropping into the abyss of non-compliance' which I thought needs a more, sort of, positive kind of approach, rather than 'we can save you from yourselves' in that 'we can take you forward'.

I got another response (it is difficult to give this response without everyone guessing who said it, so I have to try very hard to do this.) Most people talked about compliance and talked about their work being about collecting evidence, so there was the evidence issue and the compliance issue. But one person said to me that there was too much emphasis on compliance, that what we should be looking at is risk management, including managing the risk of non-compliance. (I hope I haven't given the game away there.) One extremely interesting comment came through about records management was that this person found that something they had to do in their job was to be a listener, that somebody would phone up, ostensibly in connection with a record that person may have in his or her keeping. But the important work was actually done in the telephone conversation, in allowing that person to deal with a very personal issue involving that record and wanting to reach closure so that they could move on with their lives; and that was actually the role of that particular records manager in that particular point in time. The record itself was simply a vehicle for a very important role in helping someone to move on with their lives. So I thought that was an interesting thing to share with you.

Just one quick personal view; somebody asked yesterday 'why do we keep records when we don't refer back to them?' I write things down a lot. It is usually as an aide memoir and to really make some area of knowledge my own and to increase my thoughts and understanding. So I do it as a process, for myself. Afterwards there is the question 'is this a useful record or not?' And I don't always keep the notes that

I've written, they are not necessarily of any earthly use to anybody else, but initially, I went through the first part of the process of creating a record.

Moving on, the next question I asked was about technology, what technology people were using. A number of people said 'ooh we are getting a new EDMS [electronic document management system] in' and was on the whole greeted with some excitement. But one person was saying that their organisation has changed around a whole number of roles and the way that they are going to carry out their business processes, and is rather worried that the functions that they have created for the EDMS system to run may turn out to be non-transferable in the new change in the organisation. My personal interest in XML[34] as a technology is that I think it has a wide-ranging use and it is also an open source technology rather than a propriety technology, which an EDMS is. I wanted to find out how many people had come across this and used it? It was mentioned once at the panel yesterday and only one other person mentioned it. I know that in America there is quite a lot of work being done in this area trying to develop a version of XML that is particularly of assistance to records managers.

Finally, as I say, I didn't get very much response on the ethical issues, other than there seems to be an ethical issue about how much time should be spent on avoiding compliance versus meeting the objectives of the organisation. So I think that was the main thing that was discussed in terms of ethics in my discussions. So those were my findings from my little subterfuge role. Many thanks. [applause]

Carl Newton

Congratulations to my panellist, who has actually kept within the time limit! So first of all, on essence, *we don't really know what it is we are actually doing*. Well, that is no surprise really. Second, *we aren't really aware of how much we actually know*, perhaps, not even how much contribution we really are making to our organisations; *we are undervaluing our role, our expertise and so on*. There is obviously the need to see ourselves, and that has been raised on several occasions, not only in this seminar but many others I have attended. There is a concern about *compliance*, which we have looked at really quite extensively in the previous session, and *records as evidence*.

Interesting one, I thought about the records manager as a kind of social worker, listening to people's problems and hopefully solving them, or at least making them feel better about themselves, with the document as a kind of intermediary in

[34] Extensible Markup Language (XML). "Its primary purpose is to facilitate the sharing of data across different information systems, particularly systems connected via the Internet." Definition from Wikipedia http://en.wikipedia.org/wiki/XML

establishing this relationship. I think there is an interesting issue about relationships here, which I would like to say a bit more about later on. And 'why do we keep records anyway?' Yes it is rather a fundamental question. It doesn't apply simply to records managers it obviously applies to archivists as well. Why do we have records?

On technology, we have got the dichotomy between the gung-ho excitement thing 'yes it is going to solve our problems.' But, on the other hand, the realisation that in fact, particularly if you become engaged in a particular technology and then you change the procedures to which you originally applied the technology, the technology itself may no longer be relevant. I can't help I'm afraid on XML, [I have no idea what it actually does or indeed what it stands for to be honest!] So whether it is an assistance to records management I'd be very interested to have your opinions. And finally, the issue in which I am particularly interested, is the ethical one. It was interesting that Susannah found people reluctant to talk about it, because I think that that is an issue, not only for records managers but again for archivists.

So let's move on to our second speaker who is **David Faurio** from the Bibliothèque Nationale de France. He didn't start in records management, he started in quality management in IT systems. He joined the Bibliothèque Nationale in 2002 as quality manager of the IT department. Well, the best of luck David! [laughter] He has lived in the United States; he now works on records management projects and digital content management systems at the French national library. He is also a member of the AFNOR [Association Française de Normalisation] and ISO records management committees. David.

David Faurio

Thank you Carl. When I was asked to be a part of this seminar to gather information undercover I said to myself, 'great, this is your chance to realise your dream – be James Bond!' [laughter]. But I must say, no cars, no weapons, no parties, no trips… nothing but great excitement. I've been very excited to listen to all of you and also talk with you and ask questions. I must say to those people I talked to – I am still your friend! [laughter] I am not an enemy. OK let's move on.

I want to divide my talk into two parts. First of all I'm going to give you my feelings and impression about what I heard and then I want to talk about a topic of my interest which is how do records managers sell their projects to senior managers or to their allies within the organisation?

So first of all, I think, we have a saying in French stating that the best size for your legs is when they touch the ground! And that is the only condition when you can actually walk. I thought about that because in order for records management to work,

records management needs to touch the base of the organisation, it needs to touch the base of the business. One comment was said yesterday I think encouraging you guys to go out there and meet the base of the organisation to understand how it works and to get embedded to it. So I think it is a very interesting idea to think about that. The other idea I had was to stay flexible, because I don't really believe in the one button solution, saying that you press the button and you go through the workflow and create the record, you do the business, you brew the coffee and you are happy. I think it doesn't work. I always have in mind that the principle we should all have is the 'kiss' principle. So to refresh those who don't know, the kiss principle is 'keep it simple stupid'. And I think if you keep it simple, you are flexible. A fairly easy example is the TV and VCR systems. The TV is widely used now, I think everybody has one or two in their homes, but who knows how to operate a VCR? Whoever tried to do so? I think we all gave up. Why? Because the TV is dead simple; it has five buttons, one for on/off, one programme plus / minus and one volume plus / minus. As compared to the VCR, where the VCR is fairly complicated and you never want to know how it works. So I think the records management processes or systems should be like that. Very simple.

My other comment is on risk management, forensics and IT. I think it could all be put under an umbrella called 'fear management'; and I don't think fear management is a good way to go to because when you fear something, you are keen to give your best. I think we should all look at management towards building trust. And that leads me to a point that we heard this morning, which is value. In order to interest the people we work with and build trust we have to show them how records management builds value within the organisation. It should build value for the business, it should build value for the memory of the organisation. Value should be the centre of our thinking. If we do that we will no longer be on the dark side of the force, but will walk the other side and we'll reach the visible side of the force.

So now, talking about my topic of interest. I was interested to see how records managers within the organisation were making the records management 'sexy.' And it seemed very difficult to draw a picture out of that situation because every organisation is different, every situation is different and it is hard in that way to give rules or draw a picture. So what I heard was that some people would use risk management policies to leverage the records management system or sometimes they would go to the business processes guys and ask them 'how can you embed my records management stuff in yours' etc. So I think the luck we have as records managers is to be able to get allies with those specialties or those domains. And not be at the centre of everything but work hand-in-hand with those domains and those specialties to allow them not to feel that they have to go with records management but come to us and ask us 'how do I use your principles to achieve my mission?'

I want to keep it short so we can interact, so my conclusion on this is that the view from the bridge is beautiful, it is not the dark side. So take people on the bridge and enjoy the view. Thank you. [applause]

Carl Newton

Thank you David. I think that was a typically French presentation. I got in some words there - 'coffee,' 'kisses,' 'sexy' and, although women weren't actually mentioned in his comments on James Bond, he was very close to it sometimes I think! [laughter] So, *do our records management legs touch the ground*? *Do we actively engage with the business as a forward-looking organisation*? We certainly need a *flexible approach* and we should *keep things simple* and not impose on our customers the philosophical complexities of our own internal processes. The example of the TV was taken as a piece of technology which works precisely because it is simple and meets a worldwide need. Security and compliance, interestingly described as *fear management*, when we should be looking more for *trust*. Records management to build value to the business and for protecting its business memory, not just for the past but for the future. Organisations are all different, therefore there is *no one-size-fits-all system*. We have to *work hand-in-hand with other specialisms on a co-operative basis and not on a dictatorial one*. And the view from the bridge is beautiful. Thank you David.

The next speaker is **Peter Benfell**. His background is in public sector finance and he's been records management advisor to the New Zealand Treasury and the New Zealand Debt Management Office and he has also been an information manager with the United Kingdom Debt Management Office. My credit card is already feeling uncomfortable! [laughter] He has practical experience in paper and electronic records keeping and in developing strategies for optimizing records collections to meet business evidence and cultural needs. He has been a freelance consultant, and is about to take up a position in the Archives and Records Management section of the United Nations in New York. He has an MSc in Records Management from Northumbria and, something of particular interest to me, he has a Masters in Music from the Victoria University of Wellington. Peter.

Peter Benfell

I don't have a huge amount to say, believe it or not, but having said that I could speak for England so be warned. Following through with the biblical and messianic themes that have been touched on repeatedly through the sessions so far, I don't have much from a 'temporal' or a 'spiritual' point of view.

You have heard a little bit about my background, having served in the public sector in the debt management offices of both New Zealand and the United Kingdom. Just

to assuage Carl's guilt with regards to his credit card we are talking about sovereign debt here so actually managing the finances of the country rather than individuals! But obviously, if you are dealing with an organisation like the UK Debt Management Office, who for the 04/05 financial year had an annual turnover which just topped a trillion pounds, you really need to look after information and have good record keeping systems and good risk management systems in place. It was my job to try and put something in place to meet those needs. As a consultant for the past little while, as well, going into organisations and looking at what others are doing with their record keeping systems and making some recommendations to perhaps make improvements where they are necessary. It is also about really thinking about 'what is records management?' 'What should people be doing?' 'What are they doing?' And practically, what can they do?

My secret mission, as it were, was to really start thinking about records management and the balance between 'doing records management right' as a records manager, and doing what the business needs, and what are the ethical conflicts there. I am a perfectionist in some respects. I want to do the 100% ticking the boxes, a wonderful job, with everything squeaky clean. It is this idea of the Aristotelian view of being a records manager rather than the Copernican view. I must say, over the past year or two I have actually started to step back and just relax a little bit and really start thinking about records management from a business needs point of view, rather than from my own.

That topic was decided upon before I knew that I was going to New York for the United Nations and that has been a fantastic opportunity to be able to talk to people as an 'in' as it were, to get information from them. The United Nations is obviously a large vast rambling organisation that has a reputation for bureaucracy but it is also one that has staff from 191 countries. The area that I am going to be looking at is the peace keeping field missions, so we are going to be dealing with people who are going to be under a lot of pressure in difficult environments, who are not going to be thinking about records management straight off.

So, how do you go about that? And what are your experiences of the pressures that you face in balancing out good record keeping against the perfect record keeping system? Like Susannah, it was like pulling teeth! It was really difficult to get information!

I have been very fortunate in that a lot of the sessions that we have already heard have touched on a lot of the things that I think are relevant and a lot of people have touched on many of the things that I have experienced myself and that some of you have spoken to me about as well. The connection between records management and business procedures is one of those. If we are going to take a purely functional

approach, we can take that down to the nth degree. If you were a secretary of a meeting for instance, your scribbles that you are about to transcribe into the generally accepted record of the meeting - the minutes - are technically a record. They are the record of the business transaction of you scribbling notes. OK, nobody would probably want to actually keep those scribbles as well, unless it was a particularly sensitive or particularly important meeting, because you have got the acceptance that the minutes are the final record.

But that is one of those ethical considerations, are you going to go to the 100% records management 'this is evidence of a business transaction', or are you going to take a practical consideration and actually think about 'well you just need the minutes'? That ties in also with the risk management side which we have heard about this morning and certainly working within the financial sector that is something that I have been very interested in, in hearing other people's thoughts on. I think we are all, all the time, making risk-based decisions about what we do and that's a little bit about 'where are we placed within our organisations?' Not necessarily organisationally, but in terms of our leverage, our power, who are our allies within senior management for instance and what can we actually do? This is where I start to touch on the essence of records management because, I personally am not sure that we can easily distil that essence.

I am going to get a bit zoological now; I wonder whether or not records managers aren't, to a certain extent, chameleons. And if you look at it from again, the perfect records management world if you are following ISO 15489, then we should all be aligning our records keeping programmes to the objectives of the organisation. And sometimes those objectives change. So, what is the balance that we need to make there, between having the requirements we need for records management and the perfect record keeping system and the changing requirements of the organisation because of the direction that it has decided to take? Major restructure is obviously part of that, but then divestment of some parts of the business for instance, and deciding to focus on a different area. I hope you don't mind, but Iron Mountain is a perfect example. The move from storage into a much broader provision of record keeping services is one of those examples. OK that is an expansion, rather than a contraction, but that is one of those examples where we need to think about aligning our own records keeping programme to the needs of the business as it changes.

I think also the level of records keeping sophistication is another thing that comes through, that for those of us who are fortunate to have been in organisations where we can drive a little bit from the front for records keeping and I have certainly spoken to some people here in that situation, then I think there is a greater ability to be able to do some of these things and have better records management and what we

do as records managers is quite different from those records managers who are stuck in basements or backrooms.

At our evening event in the BALTIC [Centre for Contemporary Art, Gateshead] I didn't speak to as many people as I wanted, and the reason was the wonderful exhibition on the second level. I have an absolute fascination with things that on the surface or from a distance appear very flat and very simple, but when you get closer, actually have a wonderful, internal complexity and certainly those paintings by James Hugonin[35] were a wonderful example of that, and I was absolutely captivated by them. But it got me thinking and having a discussion towards the end of the evening. Again, going zoological, thinking about chaos, or apparent chaos, and then making some semblance of order out of it; and looking at those paintings, once you get below the initial instance 'that looks sort of beige', you think 'oh, no it's not, it's lots of different bits of colour. Oh, it's a bit random and chaotic. Oh, no it's not! I can actually start to perceive a pattern within that'.

Again thinking zoologically, I had a discussion about hives of bees or ants and thinking 'well, I wonder how much records management is actually like that, or how much records management should be like that?' It is a little bit of everybody contributing to one objective and everybody working together and somehow a system being formulated, so everybody taking their own role and their own responsibility to look after the information of an organisation based on, possibly, predefined roles and expectations.

That leads to my final point, which is really 'where does that leave records managers?' And I guess what we need to do is to try to position ourselves to be the queens of our colonies, to try and direct what happens and I guess, bite the heads off our rivals who want to be queens as well potentially! [laughter] But I think that I will leave it on that note, with hopefully some interesting discussion and I will leave it to Carl to sum up. Thank you. [applause]

Carl Newton

Thank you Peter, that was appropriately a harmonious presentation. Here we are talking about the *possible conflict between ethical considerations and business considerations* as affecting the records manager. The difficulty again which Peter had in finding people prepared to talk about the ethical issue, which I think is very significant. What is the *leverage* of records management, *can the essence of it be distilled*, and are we not *chameleons*? I think he said chameleons, not comedians. [laughter] *How do we align the records to the business strategies, particularly when*

[35] *And our eyes scan Time* 8 April - 25 June 2006
http://www.balticmill.com/whatsOn/past/ExhibitionDetail.php?exhibID=54

the business strategies are themselves often fluid and changing? Proactive or reactive, depending on where we are in the organisation. *Chaos to order*, I particularly liked that one. We had Aristotle mentioned, we should have perhaps had Carlyle[36] mentioned, as that was one of his philosophies about turning chaos into order. How does records management assist in that process? And perhaps the most fascinating apothem of the lot *'should we be queen of the colonies?'*

Now at this stage I am supposed to say a few well-chosen words. Now Julie of all people should know that there is one thing you must never do on these occasions and that is to give a Yorkshire man a captive audience! [laughter] I will be as brief as I can and my comments are fairly wide ranging.

First of all, the principle I derived from James [Currall], I have written at the top of my paper in quotations "be ye not yoked with the auditors." [laughter] I think this is quite a serious point. This city is a city famous for its bridges and we are talking here about 'bridges'. There are two elements of bridges which I think are relevant. Bridges are built by engineers, those engineers apply well tried and trusted calculations about stresses and strains, and they know that if those calculations come right, then the bridge will actually stay up. They are respected for their expertise; is this not a parallel for records managers? Should our expertise not be respected in that way? You don't get respect if you have no self-respect, and I think this interestingly has come out of some of these comments that we seem to find it difficult to have self-respect for ourselves. So, of course it is going to be difficult to get other people to respect us. There is another element to bridges of course - they link things. They are important elements in a communication system. We have touched on this from time to time in the course of the seminar but perhaps not really explored it in depth. Records managers and archivists - what really is the relationship between them, with data managers, with librarians, with information systems people, even perhaps, with statisticians? [laughter]

Another issue which I think is important is precisely this question of the moral element. There is an ethical dimension to the keeping and maintenance and usage of records - it is a huge issue. Two years ago, I think it was, Liverpool [University] held a seminar for about three days with international speakers entirely on this issue of the ethical dimension to record keeping, and there are an awful lot of problems around that. Those who read Chris Hurley will know that he is one of the major exponents of the issue of the morality, as it were, of record keeping and it is one of those elements which, in my view, helps us to raise our game.

[36] Thomas Carlyle [1795-1881] Scottish historian and essayist. Author of *Sartor Resartus*, 1836.

Back to the bridges. There is a huge difference between being a mechanic and being an engineer. A mechanic - you can give a piece of a machine to a mechanic, give him a screwdriver and he knows where to put it into the machine. But the engineer has to have the whole concept in his mind, the whole work, what is the purpose, how is it going to look like at the end, why does it work the way it does? That seems to me what we as records managers should be able to do in our discipline.

I was interested very much in James' [Dr Currall] views on risk management, because I have to say, it is a problem I have experienced myself in my own career. When dealing with other businesses I have become acutely aware of how risk averse they were. They would not take risks. Now if you do not take risks, you do not go forward, you do not innovate at all.

My final point I think, derived again from my own experience is this question about learning the language of business and being able to communicate. How do you set about it? Well, I found a very simple way of doing that, I set up my own business and appointed myself as a chief executive [laughter] therefore I could look at the issues of records management, records management within my own company, precisely from the point of view of a chief executive. Now I agree this isn't a route that is going to be open to everybody, but I do stress the need for records managers, and indeed archivists for that matter as well, to actually get to grips with understanding what it is that makes their organisations tick. And I think if we only go away with that message from this seminar, we will have achieved something.

Now I am just going to give my panel a chance to comment before having a limited time from the floor. [no comments from the panel] Any comments from the floor?

OPEN DISCUSSION

Rachel Hardiman (Royal Pharmaceutical Society)

It is just really a brief comment picking up what Susannah said. It set off a couple of thoughts in my mind about people being quite enthusiastic, perhaps naively so, about EDRMS [Electronic Document & Records Management Systems] and its capacity to solve the problems and her area of XML and so on.

A part of the problem is that there is very limited opportunity, even for records managers who sort of have the ear of the person who holds the purse strings and so on, to drive the form in which the records keeping technology is presented, because the IT departments themselves don't have control over that. Fifteen, twenty years ago there would have been a full development team who would have built a system in-house. Now you are dependent on buying a system off the shelf. I think somebody the other day mentioned this as being vendor driven and to that extent maybe there is a bit too much over excitement about getting in an EDRMS system which won't necessarily address the needs. But I also think that might be a major problem in implementing or using technologies like XML, which I have had some brief contact with since one of my incarnations was briefly as business analyst for a software development firm. They used XML, they used all the technologies they needed to develop the systems. But I think we are much more constricted and perhaps don't have access to the technologies that could most drive our needs forward.

Susannah Hanlon

Thank you for that. It is what I suspected. One of the thoughts that crossed my mind yesterday, with the discussion about technology, was there wasn't a distinction between good technology and bad technology. I was also interested in another comment I heard. I think it was that appraisal of a document is a part of what you do in records management; I think appraisal of IT is also a very important part of what happens with managing records.

David Ryan

I would like to pick up on what you have just said about the appraisal of IT. You talk about the organisations being constrained, that is absolutely true but in many organisations I would imagine, not even everybody in IT knows what technology they have actually got to deploy although they are supposed to have inventories and software licence databases. I would like to know for how many organisations just how thorough and up to date these inventories actually are. Therefore it is very difficult for the records managers, who are often not in the IT department, to actually see what actually is being used, or what is even intended to be used in the coming future, because it is the vendors who control their release programme for their products and often IT departments are locked in because the software is based on

licensing not ownership. So in fact, there is a financial impact about the way the vendors control how users store their data, and in fact that is the really big issue.

There are two elements to this. IT people, in many ways, are serving two masters at once. They actually work for your organisation, but their career is more dependent on the vendors' software lifecycle than it is working for you, because they can go and work somewhere else but they will still need the up-to-date skills set of the technologies. The other issue is to do with XML. XML I agree is a good technology for storing records, but it is yet another skill people have to learn and how much time do they actually have? When I was at The National Archives we designed systems both in the records management department and in my own department where we put the schemas for the underlying logic of what we were trying to achieve on the GovTalk web site[37]. And they are all in XML, and certainly the two schemas we put up from my department, we never had any feedback whatsoever in three and a half years that I was there from anybody else, whether in the government or not in the government. I think that is one of the fundamental problems - that in three and a half years technology moves forward massively, and yet in those same three and a half years, we had no feedback. I used to look at the GovTalk web site frequently, and there was no other feedback to any of the other schemas that had been put up there either. In fact that is a real problem, not quite technology independent, but maybe vendor independent definition of what a record series actually is, is available through using XML, but in fact we can't get any agreement on what they are, because people don't have the time or the technical knowledge to actually sit down and analyse the schemas that are produced.

David Faurio

Working with IT I know that they will always find a great product for you, but now it's time to ask IT more. Because as a records manager, you know the business processes and you know what people need. You can give to the IT guys more information to help them make better choices. For example, at the library in France, we have the [Microsoft] Office package on every desktop, but when you look at how people work, they would be fine with a notepad, and we would have the Office package on only 1% of the desktops knowing that. And then the next thing is, not to say that the IT people got it wrong, but you could spend that money on something else, and maybe a records management system.

Vicki Lemieux

Just on the theme of the relationship between records managers and IT. When I first joined Credit Suisse I was sitting in corporate services and that is where archives and

[37] UK GovTalk web site http://www.govtalk.gov.uk/

records management sat in the organisation. And I came with a message about needing to manage electronic records, and this was three and a half years ago and, amazingly then, there was a perception that email and other types of digital data, you know 'those aren't records, we don't have to treat those as records do we?' And then gradually over time, in fact, pretty quickly after I joined, with all of the stuff going on with the US Securities and Exchange Commission and so on, the attitude shifted. So I started talking about the need for managing electronic records; and IT said to me at that time 'well, that is all very well and good, but we need guidance from you, we need functional requirements, we need to know what you want'. So there are any number of functional requirements; I went out and I sort of looked at everything, and put together the essence, tried to distil what I was finding and I communicated that back to IT. I sat down with them and they said 'we can't do that, we would have to completely change our infrastructure; that is impossible, it is completely over engineered'.

So I found myself a bit between a rock and a hard place. On the one hand, they want us to tell them what to do and then when you come, they say 'well we can't do that'. So I said, well the best way to beat them is to join them, so I now sit in technology risk within IT and it has allowed me to continue that dialogue with IT, but from within, and I am able to kind of leverage that position. And yes, the infrastructure, the IT infrastructure is definitely not geared up, or it wasn't at the time, for records management, but gradually working from within I have been able to get things to shift and change and work towards a vision of how we can get where we need to go.

So, I guess it is just a bit of a cautionary tale in the sense that, yes, we do need to communicate more about what it is we need for good record keeping. You may encounter the same kind of problems as I did, a pushback from IT saying we can't do that, but I think the key is to become more adept at communicating in their own language. So records managers need to take up the challenge of learning to speak IT I guess.

Clare Cowling

I agree with what you say whole heartedly, we do need to sit within IT; we also need to sit within business analysis, we also need to sit within corporate governance, we also need to sit within information management. How do we do the day job and do all these things as well? This is the big problem we have got; we actually do have to be a jack-of-all-trades, and we also have to be a master-of-all-trades, and we simply can't do it because there aren't enough hours in the day. So if anyone can give some suggestions, what should our priorities be, what is the essence, what is the real crux of records management today?

Carl Newton

Thank you very much I have to draw it to a conclusion there! [laughter] At least being a jack-of-all-trades is better than being anally retentive obsessive I think!

May I conclude with a short reading? We have talked about the integrity and reliability of records and Enron has been mentioned on a number of occasions, so you may be interested in this analysis of how Enron conducted its business:

> You have two cows; you sell three of them to your publicly listed company. Using letters of credit opened by your brother-in-law at the bank, you then execute a debt equity swap so that you get all four cows back, with a tax exemption for five cows. The milk rights of the six cows are transferred via an intermediary to a Cayman Island company secretly owned by the majority shareholders, who sell the rights to all seven cows back to your listed company. The annual report says the company owns eight cows.[38]

Thank you very much. [applause]

[38] A set of jokes going round the Internet, e.g. http://www.prosoundweb.com/fun/jokes/joke68.shtml

SEMINAR 3:
Who are the records manager?
13.45-3.00pm

Chair: Mr Stuart Orr, Department of Trade & Industry (DTI)

Witness: Max Beekhuis, Doxis Informationmanagers
Witness: Frank Rankin, Department for International Development (DfID)
Witness: Ian McEwen, Metropolitan Police Service
Witness: Peter McKinney, Glasgow University
Witness: Clare Cowling, The Law Society
Witness: Frank Upward, Monash University

The starting point for the debate:

Editorial: Catalyst or cataclysm? *Information Management Journal*, Sep/Oct 2004, Volume: 38 Issue: 5 Page: 4-7.

This article, a message from the editors, considers why, how and by whom records are managed against a backdrop of change (business, legal and technological) in America. They identify a new generation of records management 'experts' offering records management advice, including lawyers, technology suppliers, systems integrators, industry analysts, and consultancy firms, some of whom are leading on electronic records projects. To be part of this records professionals must "learn, grow and change with the world around them."

WELCOME TO THE SEMINAR
Julie McLeod

Our final witness seminar poses the question 'Who are the records managers?' and will focus on the roles, responsibilities and relationships between records management stakeholders. It is chaired by **Stuart Orr** whom, as I mentioned yesterday, generously stepped in at the start of this week when Philip Jones was no longer able to be here. So, thank you very much Stuart.

Stuart has held senior positions in records and information management for more than 20 years and is currently an Assistant Director in the Department of Trade & Industry (DTI) responsible for records management policy, standards and projects. He is well known for a recent major EDRMS [electronic document and records management system] implementation to the 5000 users in DTI - the first successful

EDRM implementation in a major UK government department. Stuart is a member of a number of committees and working groups including the BSI Standards Committee on Records Management, The National Archives' Records Management Advisory Group and the UK Government's EDRM working group. And for more than a decade he has carried out consultancy projects on behalf of the International Records Management Trust [www.irmt.org] in different parts of Africa. He too, I'm thrilled to say, holds a Masters in Records Management from Northumbria University.

We chose an editorial piece from ARMA's Information Management Journal as the starting point for this seminar (ARMA as you know is the American Records Management Association) intriguingly titled 'Catalyst or cataclysm?'.

To provide their views on that article and the question 'who are the records managers', I'd like to welcome our last, and by no means least, group of expert witnesses. They are: Max Beekhuis, Clare Cowling, Ian McEwen, Peter McKinney, Frank Rankin and Frank Upward. Stuart, and panel, the floor is yours.

PHOTOGRAPHIC RECORD OF SEMINAR 3

CHAIR'S INTRODUCTION

Stuart Orr

I was beginning to get a little bit worried through the last sessions, including Carl's enumeration of roles that we would have nothing left to say. I think Julie is right, I think that there is an enormous amount to be said. One thing that I think that is excellent about this conference is that it isn't just people who label themselves as records managers. It's people from all sorts of backgrounds and people who have said that they weren't aware of any records managers before being invited along here. I think we have had too much in the past of records managers gathering together and complaining that no-one loves them. [laughter] We gain an enormous amount from an external perspective. I know I have, from having people working with me who have come from a systems analysis background; something totally unrelated to the area of information and records management has changed my perspective.

Now, 'who are records managers' is the title of this discussion, this part of the seminar. Perhaps it's 'who should be records managers?' Do we know really what managing records is about? Is that a part of it? I went to Australia in I think it was 2001 when we were looking at this EDRM software because that is where it came from and we wanted to look at other users. I went to Frank's [Upward] native city, Melbourne. I went to a smallish financial company which managed its records brilliantly, it was totally embedded in the business process. I haven't seen better. It was a small company so perhaps that explains why it worked. I asked to speak to the records manager and they said that they didn't have one. They had had one but they were not going along with the trends, they were coming out with all sorts of hurdles they we thought were irrelevant, so we got rid of them. They managed their records, they were record keepers, but they didn't have someone who called themselves a records manager, who was no doubt trained at one of the Universities in Australia to be a records manager.

As Julie said the starting point, this article 'Catalyst or Cataclysm', is an American view which, although only written in 2004, suggests that particularly EDRM change has triggered re-evaluation, perhaps jolting complacency. Also it has come up before in the last two days that other people have been jumping into this space - IT people, lawyers - and the article ends with saying records managers ought to change, adapt themselves if they want to survive in this world. The article is only a catalyst, I don't think we are going to limit ourselves around what that article said. It's looking at who are the stakeholders, and I think it is important; certainly any systems analyst would say don't start looking at the stakeholders of records management, it's the stakeholders in good recorded information particularly evidential information within an organisation. Who are they? What are their roles? What do they bring to the party? What value do they add? What are the relationships and how are they managed?

We are going to do this in a slightly different style, I'm leaving it up to the people around this table whether they want to speak from the table and perhaps interact with each other or whether they will be more comfortable with going to the lectern. **Max Beekhuis** is going to take a completely different approach, he is a director of a consultancy company in the Netherlands and without more ado I'll find out, as you will, what Max is going to do.

WITNESS STATEMENTS

Max Beekhuis

I'm not going to ask you questions but I do need your help. First of all I want to say something about myself. I'm a director of a consultancy firm on records management. It is owned by Ernst and Young and I work with 200 colleagues in the Netherlands. Because I'm the director I don't know anything about what we are doing, [laughter] that's why I'm the director. Sometimes I have to help to put some value to the projects we are doing and it's always the starting point, the kick-off meeting when an organisation wants to implement an EDRM. They ask me to give people the feeling of what it means to work with it; and I propose that I do the same today, this afternoon, with you. It's a little practice – five minutes, let's do it. Is there anybody who doesn't want to do this? [no show of hands]. Everybody does. Good, we start now.

There are two rules, I am the boss and you have to do what I ask. Will you please all raise [all delegates stand]. Get a bit of space around yourself. I told Julie beforehand that my English is as good, I know as much about English as a camel knows about throwing snowballs! Well probably my English is Dutch. [laughter]

OK, my first question, will you please change something on yourself. [audience chatter and laugh] Can you change another thing? I presume you know my next question, please change another thing. I'm afraid to ask the same thing again, will you please change something of yourself. Thank you, you may sit down. [audience chatter and laugh]

Did anybody feel any resistance against all those changes? What kind of a feeling is that? [audience comment: uncomfortable] Anybody else? [audience comment: when is it going to end?] [laughter] Some more remarks? On the feeling of changing? [audience comment: pointless] No purpose, no goal, no known goal, OK. What did you think about me, being the boss, asking questions? [audience comment: mean] [no further comments from the audience] It may have been any more feelings about me? [audience comment: not clear about why] Thank you.

Maybe you think what will people experience when they are asked by records managers to do certain things in order to organise the records. Do you think they have the same emotions? Barbara [Reed] said yesterday a very important remark, at least I think so, she said, 'well records management supports the business process which also supports the services of the firm'. I think on that level the resistance begins because not everybody is aware of the goals of the firm and why certain things should be done. I do think records management has nothing to do with records, but with emotions. So a records manager for me is a relation manager, somebody who can explain what we are doing and why we are doing it. Perhaps the most important role of a records manager is to seduce (if I may use that word) all the knowledge workers to perform records management acts. At the end, I think there are no records managers, even in big firms you can miss them. Thank you very much. [applause]

Stuart Orr

I now call on **Frank Rankin** who has a link to Glasgow, as many people in the room seem to do, and four people around the table are Scottish - directly or by ancestry. Frank is now in the Department for International Development. He has been in records management, but his focus is now information rights.

Frank Rankin

Be careful for what you wish for. I remember 13 years ago I was at University in Liverpool studying archives and records management and bemoaning at length, and often drunkenly, the low priority that archives and records had in the world and how what we really needed were a few high profile disasters to give us the fertile ground in which to work! [laughter] We've had that in spades in the last decade or so in the private and public sector - instances of record keeping failure have been listed over the last few days. And yet, very often we adopt a defensive tone. This article, this particular paper, does strike a balance but there is still bubbling under the risk of slipping into that defensiveness. So before I address the specific issues I want to, in the words of the late great Ian Dury[39], look at a few reasons to be cheerful.

First of all, even beyond the people that have got records in their job title, there is interest and good ideas abound amongst our colleagues around records issues. To give you a couple of examples. Those of us who serve at her Majesty's pleasure, some closer than others David [laughter], by that I mean civil servants as opposed to those detained at her Majesty's pleasure, the criminally insane (!), although if you drew a Venn diagram you'll probably find a small amount of overlap! [laughter] Traditionally we have been able to rely on at least a vestigial culture of record

[39] Ian Dury, 1942 -2000, rock and roll singer, http://en.wikipedia.org/wiki/Ian_Dury

keeping. There is the assumption that career civil servants have as part of their professional genetic make-up at least a basic awareness of record keeping, but that is under attack as has been alluded to. In my own department, the Department for International Development, we've got a very high proportion of specialists who come in mid-career, who don't have a civil service background. They come in with an interest in education, health, international development and just have no bureaucratic instincts at all and don't see why they shouldn't just carry their entire information world on a memory stick around their neck. In our organisation some colleagues have really inspired me, sometimes depressed me (!), but more likely inspired. A couple of examples. A very senior colleague, one of our directors, approached me the other day, (we are just coming to the end of EDRMS implementation at DFID) and said to me, 'Frank, are we confident that the public record will still be complete?' I said, 'what do you mean "still"?'

I had an IT colleague who approached me several months ago - wide-eyed, pale and sweaty - wanting to know what we were doing to comply with Sarbanes-Oxley and would we have to suspend all our email policies. I managed to explain that on so many levels it really wasn't a big issue for us. Recently I had a long and quite encouraging discussion with an overseas office manager about the value of the paper file and how it was a nice human way of getting the narrative on a particular subject and talked around the ways of how it couldn't be replicated but how that container of information on a particular area could be brought together in an electronic environment. So, discussion with colleagues who don't have records at the top of their list, but they are showing an interest.

Another reason to be cheerful or at least relaxed - and as a good Catholic boy I won't accept this principle in all cases - but I think for records management that ends are more important than the means. If we get there and have effective, appropriate robust records for our organisation I can be pretty relaxed about how we get there and who takes us there.

Another reason to be cheerful is the sorts of errors which are being drawn out in this paper 'Catalyst or Cataclysm', where lawyers or IT specialists overreact or make decisions which are contrary to our records keeping instincts, is that those errors show that they are learning, that they are trying. It's also easier to intervene when people are making mistakes. It is a lot easier to go in when colleagues are making mistakes and rectify it, than it is to start from a standing start to try and engage their interest. So I welcome, it is not just *schadenfreude*, I do welcome sometimes when IT or legal colleagues intervene in record keeping and make what we see as mistakes.

I think we should also be aware of some of the achievements we've had - and although I accept everything that has been said about EDRMS not being the end of

the road - the work that individual records managers have done with vendors, the work that strategically has been done by The National Archives and by others to help shape records management systems is generally beneficial in itself. But also I think we have put something very important into the DNA of business applications generally. We've lost our software engineer but I think there is a tendency, certainly with IT developers I have worked with, for them to cut and paste, lift big chunks of coding, programming, functionality out of one piece of software and bolt it into another and indeed increasingly we'll see convergence of software applications. So the very fact that that records management functionality is built into some business applications, I think in future we may see it appearing almost automatically in many if not all of them.

One note of caution is on capacity. David [Wainwright] yesterday mentioned about records managers being too busy to get involved in every aspect that we would like to be [see p.33], and again, be careful what we wish for when we go to our organisations and assert all areas that we should have unique sovereign control over. If we were granted that wish list tomorrow I think we would all have a nervous breakdown! Also the capacity, the numbers issues, are important with one of the specific aspects to pick up on this session which is 'where are the turf wars?' I haven't seen a recent labour market analysis, but were we to gather together the 5-6000 people in the UK who are roughly described as records management/archives professionals, and line them up on the hallowed turf that we have out here, [St. James' Park football ground] if we all lined up at one side of the pitch and got all the IT professionals in the UK (it would be a bit of a squeeze but …) and put them at the other end of the pitch, and had a turf war, if we went at each other with baseball bats [laughter]. Sisters and brothers, we would lose very, very quickly. [laughter] And while I do have a tendency myself to a martyr complex, I also have an ethnic propensity for supporting lost causes! [laughter] Turf wars are really not an area we want to get into. We recognise it exists. The best we can manage is the occasional guerrilla success, but turf wars are really counterproductive for a community which is as relatively small as ours.

If I can borrow James' [Currall] interactivity from earlier on and ask for a quick show of hands, how many of you are just records managers? How many of you are records managers for at least 90% of your time? Please show yours hands – a few, thank you. Because the majority of us, either because we've been so good at what we have done in the past or because employers didn't know what the heck else to do with a particular task, the majority of us have a number of tasks bundled together. Certainly most of my time I am a FOI monkey. I spend the vast majority of my days on the freedom of information treadmill grinding out responses, which sounds very negative. I'm conscious I'm on tape - what I mean to say is that I spend the majority of my days on the sunlit uplands of democracy and transparency [laughter] (just in

case my Secretary of State sees this – whoever it may be!) [laughter] So that has impact both on the way we manage records, because I have an FOI hat that tends to come to the forefront of my records management imagination as well, and also about the amount of energy I have to spend.

Another quick show of hands, how many of you actually directly manage records other than your own? Quite a few, but by no means all and I think a diminishing number. Increasingly we will become not direct managers of records but will shape the tools and the policies which enable colleagues to effectively manage their records, and also enable us to police records; and in the electronic environment it's a lot harder to hide the sort of 'pornography in the records centre' which Vicki [Wilkinson] referred to yesterday. But there is that opportunity for us now to move away from managing records directly. Clare [Cowling] I think asked yesterday what everyone was doing in the 70s and 80s. The answer is, I think, managing records; but by diverting their energies into the specifics of dealing, doing what our organisations pay us for, we miss the opportunity to influence the wider community, to help shape the way that records are created and managed. So I think the challenge to us is to focus less on being records managers directly, moving more towards shaping policies and tools within our organisations and outside the organisation influencing the wider professional and vendor communities with which we have to operate.

So, to very quickly sum it up, internally we're records police, externally we're records prophets. And if that's the case maybe we need a name change, maybe 'records managers' don't say what they say on the tin. Thanks. [applause]

Stuart Orr

If I can pass on to **Ian McEwen** who is currently head of records in the London Metropolitan Police, and has a background in the public and private sectors.

Ian McEwen

Yes that's right. Thank you Stuart. Just going to tell you a story to start with.

The FBI in the 60s were presented with an issue around narcotics smuggling from Mexico and a file ended up in the in-tray of J Edgar Hoover. He opened it up and there was a report in there saying 'problems with narcotics coming from Mexico, real issue here we need to do something about it'. So after reading the report he wrote on it in pen 'watch the borders'. He closed the file and put it back in his out-tray. It went back to the narcotics strategy team; they opened it up and read 'watch the borders'. So, they said, 'we need helicopters, we need staff, we need four-wheel drive vehicles, we need tanks' etc. Six months later there was a board meeting. J Edgar Hoover was there and a finance director comes up to him and says 'here is the finance report'. He

looks through it and says 'over $50 million on helicopters? $20 million on vehicles? How much on staff and agents over time? This is ridiculous what is all this about?' So they dug the file out, produced it from the registry of course, and said 'well you wrote on there "watch the borders'''; and he said 'yes, the borders are supposed to be an inch not an inch and a half!' [laughter] Anyway, I don't know if that's got anything to do with what we are talking about …

Another thing, there is a lot of talk about Greeks and philosophies. Did anyone see QI[40] last week? There was a very interesting thing on there. There was a question 'what was the perception of the Earth before Copernicus?' Apparently the general perception was that the Earth went round the Sun and that had come from the Greeks. They actually came up with the idea that the Earth went round the Sun and it was only during the dark ages and that period that we went to the flat Earth and then it came back again. I can see some records management parallels in that because I think, certainly in the Met. Police, 20/30 years ago records management was a major embedded part of everybody's everyday process. And now IT systems have appeared and that RM process has gone by the board a little. Now we are in the situation where some serious, very high profile events have happened that have meant that we are looking very seriously again at records management.

My personal experience of this, I'm not a - well am I a records manager? By training, no, I'm not. I actually did engineering at University and then I did a load of work in software and software engineering, a bit of sales, bit of this, bit of that, lots of things. When I joined the Met. working on IT projects they said 'we need to implement EDRM everywhere'. I thought 'sounds good, I like the sound of that'. Fairly quickly I realised that what was missing from that IT objective was records management and I very quickly turned round and said 'look if you don't sort out your records management you're not going to get anywhere with this'. So having said that, I became the *de facto* records management expert at the Met., because everyone said 'you're the first person that has actually said this, you need to do it'. Within a couple of years I ended up heading the whole of records management for the Met.

Now, the Met. is interesting. Policing is interesting in general because the core policing process is not officers out on the street, the core policing process is manufacturing. It's actually manufacturing a case file from raw ingredients and those raw ingredients are things like witness statements, so evidence is essentially very important. It's about production and that process is highly dependent on paper, in fact the whole thing is paper, the whole process is paper, beginning to end. What gets presented at court is paper. I don't know if anyone has read the 'Transformational Government - Enabled by Technology' paper that the Cabinet Office produced at the

[40] An intellectual quiz show on BBC2 television hosted by Stephen Fry.

end of last year[41]. Here is another perspective, it says 'many systems and processes in government are still paper based and staff intensive'. Now I don't know how many people here work in government but would you say that's pretty true? What I see is that IT systems have essentially been grafted onto what looked like Dickensian paper-based processes. A police officer from a hundred years ago probably wouldn't see much different now from what they saw then, it is pretty much the same, perhaps a little bit more paper work. More forms to fill in, more governance and accountability, but essentially they will see the same process. We've built IT systems but the core source information for those IT systems is paper files. What you tend to get is an officer with a paper case file and they'll go through it and say 'we need to type that into an IT system, ooh, we need to type that into that system'. So the core information is the file.

Have I gone over? Sorry, I could talk for hours. I will cut to the chase. One of the issues I'd say we've got is that it is essentially paper-based, we create files that are very complex in the service. Those files have to be preserved for a long period of time and be operational. Records management in the police service is an operational department because, being the corporate memory, we actually provide information to things like cold case review teams. I don't know if anyone has seen 'Waking the Dead' [a BBC television drama series], that is all around files. So, it is an important critical, operational function. We are in a world that is moving digital. Most of the information that gets generated outside of the organisation is digital; we spend millions of pounds on computer systems and they are used essentially as glorified typewriters because people just type into Word and print it out. We are a long way from achieving any benefits from electronic systems, digital systems. I see my core role here as bringing together my experience of the digital world, which was IT and still is IT, with the experience of records management and trying to do something about that and the bottom line is business performance. How can we improve business performance? Business performance in the police service is around catching criminals, prosecuting criminals successfully and keeping the country safer, London particularly safer. That is a core issue for me. I've got to align what I do with the corporate objectives and the corporate strategies and I do that. I have to quote strategy documents and align myself directly with them. And I act as a salesperson with my management board all the way up to Sir Ian Blair [Commissioner for Metropolitan Police]. I have to go in and say 'look, this is what we need to do in order to achieve business improvement'.

We are not in the archives, we have to change, we have to come out of the archives and take control of business issues and be involved in the business and talk to the business. And we have to be salespeople, we have to understand evidential weight,

[41] Cabinet Office. *Transformational Government: Enabled by technology*. http://www.cio.gov.uk/transformational_government/strategy/index.asp

we have to understand records management, we have to understand that people who do the work don't give a damn about records management. Thank you. [applause]

Stuart Orr

Now, not such a big move, since Ian says his background wasn't in records, to someone who isn't working in records but is involved in information and is from the University of Glasgow. It is **Peter McKinney**, who is involved with a project you may know about if you saw the posters on the wall - the espida project. This sounded very interesting, being about developing business cases where there are intangible benefits. Anyone who's tried to make a business case in the records and information world will know all about intangible benefits. So now can we have Peter's perspective?

Peter McKinney

I am not sure how interesting it will be anymore after all the other talks we have had over the last day and a half, particularly after James' since he is my boss and we kind of have the same mind set about things. [laughter]

First, a bit about my background. No, I'm not a records manager, although some of you I guess would have an argument that I should be a records manager if I am creating records. What I am going to say, the thoughts are in a rhetorical form, they are coming from the point of view of a user of records and a creator of records, so they are question-based because I don't have any kind of expertise in this at all. Second, my perspective is that this work that James and I are doing, it's all based on value and benefit, particularly value to organisations where the benefits are intangible, so they are not working in financial bottom lines. How do you sell them stuff where they can't say 'well we made an extra £10 million this year?' In our work we have found a common refrain is 'do you know what, my senior managers don't understand me, don't give me resources that I need to get; how do I get this money?' Well, there is one of two reasons why that phrase is coming out. First of all, you haven't been able to communicate the value to senior management, which we have heard all about, you need to talk in their language, etc. etc. So you need to learn to get into their way of thinking. The second reason why this refrain might be coming through is that you have communicated the value to senior management, they thought about it and they thought that they don't need it; therefore they don't give you resources for it. That's just as a kind of intro.

The paper. I read the paper thinking 'this is excellent, it's a nice short one'. I also found myself in the paper as well, they talk about - what's the quote - they talk about pundits rather than practitioners offering advice. I'm not even a pundit, since I've never done it anyway, but I have a bad feeling that that is me. They talk about the

advice being over-simplified, so perhaps this is going to be very over-simplified. I read the article; it is all about change is here, change is coming, technological change, but finishes with change is good, we can develop and gain from this change. My initial thought was 'yep, and …?' What can I say about that? It sounds all very sensible.

What wasn't sensible about the paper, what didn't make a lot of sense to me, was that they bemoan the fact that 'oh, the IT profession have taken our ground', 'the lawyers have taken our ground', 'what are we going to do, what has happened?' Well the question that came into my mind was 'well why have they taken the ground, what happened?' David Ryan said this morning (or it might have been yesterday) 'well they were in a better position, they were talking to finance people.' They obviously also made a far better case as well. They could talk the language of senior management, plus they said we will do you stuff and bring you benefit; we are not going to stop you from doing things.

One of the questions is 'are these IT professionals and lawyers filling a gap where there seems to be a gap?' or 'are records managers losing out purely through mis- or non-communication with senior management?' As a user I'll be flippant and say, 'I don't care who managers my records, I don't care about turf wars. I want to deal with one person in one department, I don't want there to be two or three of them. I don't want to know that IT and records management aren't talking to each other this week therefore things aren't going to happen'. You don't have time for that. I don't have time for it. In my role as a user, I should say that I kind of do care who the records managers are because I need them to do a good job so I care that it is actually a good person doing this job. In my role as a user I need people to help me find stuff, I need people to not help me find stuff when I shouldn't be finding it and I'm not allowed to see it. As a creator I need them to guide me in ways I can create stuff, guide me in regulations about how I should keep it or when I should destroy it. But there is a third role I think I play and that's as a beneficiary, which means that whoever is managing my records should bring me benefit. I don't want to be stuck with ways of doing things I don't like.

Key to what I am trying to say is whoever is managing the records, and I don't really want to use the term 'records managers', has to bring benefit. They have to bring benefit to me; they can bring me new ways of doing things, they can help me find information I previously wouldn't have done, they can help me do things in new ways. So therefore, does it really matter to me whether it is an IT professional or a lawyer or whoever that is doing this? To me, no. Perhaps in this room I think the answer would be 'well it should matter to you because we know all about compliance, we know all about ISO 15489, we know all about appraisal, blah, blah, blah, etc. etc.' But my point is this, and it is very simple, is records management fully

aligned to the organisation or is it more aligned to its professional situation or its professional pride? That is, is the value of the organisation coming second to the managing of records in a records management way?

A final point, communication and value are key. We have heard this already and if you go and look at our posters next door they will give you a good way of communicating with people. Communication and value are key. If record managers can demonstrate value to an organisation then their place, and your place, is assured. People will come and talk to you because they know they are going to get benefit from you. But if the value can't be demonstrated don't be surprised when IT and lawyers do it. Don't be surprised because, in summation, the organisation's always going to go for the records management vision that offers them the best value and they are not going to care who does it. Thank you. [applause]

Stuart Orr

We are moving slightly away from a UK focus to someone who started in Australia, born in Australia, worked in the archives in Tasmania, then National Archives of Australia, then came over here, had this career gap when we all did something wrong in her absence (!) [laughter] She has done many jobs in the UK since then in the records and information management area and currently at the Law Society. Over to you **Clare** [Cowling].

Clare Cowling

I was very interested to see that there are still some people in this room who actually do records management. This stunned me because since I became a records manager I have done no records management whatsoever. I have done records management strategy and policy and training. I have not gone out and managed records. I haven't gone out and appraised records, I haven't chucked them in the bin, I haven't wiped them off the systems, I haven't sorted them out into proper filing systems. I haven't done any of this. I've told everybody else how to do it. That's what I've been doing. Who's managing the records? Well, one way to get to who's managing records is to tell you about what happened when I came back into the workforce, which is about 1996. I strolled into the office and there was this thing on my desk:

> Colleague: 'Oh that's a PC.'
> Clare: 'A what?'
> Colleague: 'a PC.'
> Clare: 'Oh right, what do I do with it?'
> Colleague: 'Switch it on.'
> Clare: 'Where?'

You know the sort of thing. Switch on. Fortunately I had done some typing in a typing pool in one of my many jobs so I could sort of type. Type, type, type, type, type.

Clare: 'What do I do with it now?'

Colleague: 'Save it.'

Clare: 'Pardon?'

Colleague: 'Save it, call it something.'

Clare: 'What do I call it, what are the rules for what I call it?'

Colleague: 'Oh, call it Clare's misc.'

Clare: 'OK, I'll call it Clare's misc. Where do I save it, is there a structured folder system where I …?'

Colleague: 'Oh no, just press save.'

Clare: 'OK. What happens to it when I don't need it anymore? Where's the disposal schedule?'

Colleague: 'The what?'

And this was an archives office I was working in, for crying out loud! [laughter]

Who's managing the records? The end user is managing the records. We're not managing the records. IT isn't managing the records, they are managing systems. The business analysts aren't managing the records; the business analysts are analysing business processes and workflow. We have 17 business analysts in the Law Society and one records manager. Yes, very good. So, who is actually managing the records - the people who are creating them are managing them - unless you have something like an EDRMS in place, or some sort of other wonderful whacking great database that you are forcing people to structure their documents into, like a case management system. We do have one that kind of forces people to put records in there. Otherwise it is chaos, as we were talking about yesterday. Everybody is doing their own thing, and everybody is doing their own thing because (a) they can, because they have been given all this wonderful freedom to do all this, but they are also doing their own thing because (b) they don't know what else to do. Where is the advice, where is the guidance? And this is why I take issue with Steve [Bailey].

Actually, I think EDRMS is the best thing since canned beer because an EDRMS is going to force people to start working properly again and to make their organisations efficient again, I think (!) [audience comment: they'll just use their 'C' drive!] Take the 'C' drive away from them; let us stop empowering the user please! Let's get rid of this, let's stop letting the user do whatever they like. We've got to take control

back boys and girls; we have to stop everybody else doing their own thing. We have to lock everything down. We have to say 'no you can't keep everything in your email for five years for crying out loud, it's got to go into a shared system where at least your line manager can see it if you dropped dead in the street'. What good is it in your email box? It's useless. What good is it in your personal drive? Let's get rid of personal drives, there is no need for them. Are we working or are we doing personal stuff? We are working aren't we, why have we got personal drives, let's get rid of it.

Anyway, when I go out and train people on FOI, which is what I've been doing for the past year (see, no records management whatsoever!), people say to me 'help, help. Please come and give me a hand with how to manage my email. Please come and give me a hand with how to set up folders. Please tell me what to do, how to name my documents. Please tell me about version control, please come'. I'd say 'I'd love to, but there are fifteen hundred of you and one of me'. So they're begging for help, they're crying out for help. How are we going to help them? We can't just go out and help them one to one, because where is the back up, where's the follow up? Again, we need structured systems in place that will lock down, like EDRMS. Maybe there are alternative systems that will work, I don't know; I've only just got my head around EDRMS - haven't we all. I still think it is the best thing since canned beer - so there you go, I think it is wonderful, providing it is locked down.

And I think the reason that EDRMS has not worked in a lot of places is because the preparatory work hasn't been done properly, the records management work hasn't been done, the business rules have not been worked out. That's why so many IT systems fail, not just EDRMS.

So, the records managers are not us. We're out there giving advice, policy, this, that and the other. The records manager is the person on the ground going type, type, type, type 'where do I put it? Oh, I'll put it in Useful docs or I'll just leave it in my mailbox'. They're the people who need the help and they're the records managers at the moment. We've got to change it, we have to change it. If we don't our businesses are all going to go down the tubes, because they are so inefficient in the way they work. That's all I've got to say. [applause]

Stuart Orr

Right! The final speaker is probably known to many of you. It was mentioned by David Wainwright that to be a discipline, to start to be considered as something approaching a profession, you need to have a body of knowledge. Someone who has contributed enormously to that body of written knowledge is our next witness, Mr **Frank Upward** from Australia.

Frank Upward

Just in relation to what Clare was saying, there are trends in America that are doing exactly what she is talking about - taking away individual storage rights and setting up systems. Admittedly that can be every bit as scary as allowing some freedom, but it is happening so it's not just a pipe dream.

The article we are talking about is very American of course 'Catalyst or Cataclysm'. My initial reaction to it was adverse. It was written in 2004 and they are starting to think 'oh, what do we do now?' Most people were doing that in the mid 1990s, especially in America, but they were called archivists…and American records managers and American archivists have not got a good history together. In connection with that, to give you an indication, Michael [Moss] mentioned this book yesterday 'Archives: record keeping in society'[42]. Michael called it the best book on records management he had read. I'm not sure how high that praise is but nevertheless I'll accept it! [laughter]…But a book on records management called 'Archives: record keeping in society'? If I was giving this address at an American conference I would definitely have to watch out for those baseball bats! It's turf warrior stuff.

It's saying that records managers are archivists, archivists are records managers - ideas that have been around for many years - but it's doing it in a particular way. You may not see from the back the symbolic drawing on the front of the book - and even if you do you may not understand it - but it's actually a stylistic representation of the continuum, which was mentioned earlier in relation to risk by James [Currall]. Basically James [Currall] from my point of view (and as an Australian, if you want to know about the continuum 'ask an Australian') got it right in that the continuum is about on-going formation, it is not simply continuity. One of the things which can help in terms of being a teacher, and trying to be optimistic, is to say to people you're here in the continuum, things happen from here…so basically things may have been done this way in the past but that doesn't mean that's how it has to be done in the future. So the approach that we've taken in this book, and I've taken at Monash University with colleagues for some time now, is to concentrate on the formation of the record.

In a continuum approach it is an any time, any place, any era type approach. So if we are talking about records in the UK that possibly are 500 years old, then it is the job of the archivist in that case to put themselves in the context of that time and imagine the formation of the record and the processes by which it was formed. If we are talking about today then obviously the processes and the formation are different.

[42] McKemmish, S., Piggott, M., Reed, B. and Upward, F., (2005), *Archives: record keeping in society*, Centre for Information Studies, Charles Sturt University, New South Wales, Australia.

Basically, the notion of who is the records manager is very place specific and era specific. So you have a notion of the records manager in a particular time and place which will be very different in another time or another place. That comes out particularly, and will come out next week, with work on the international standard [at the International Standards Committee meeting and discussions arising out of ISO 15489].

So then, who is the records manager? The first question is where are we talking about? What company? What country? What style of business? Are we talking small business or big business? And so on. Basically, who is the records manager in that sense is diverse.

In my written presentation (which I won't really have time to cover in much detail or depth but you can read it later), I entitled it 'Witnessing the emergence of post custodial records management'. In a way I'm known as a post custodial archivist and in terms of Mike's comments from Iron Mountain [Mike Dunleavy], I'm on the dark side too. Basically the post custodial records manager was mentioned yesterday by Julie McLeod's reference to John McDonald, who's talking about records management behind the screen. But I would go further and say I couldn't care less where the records were stored. If I finish up directly going to Iron Mountain, rather than leaving records in the hands of the company, then that in itself is not a problem. There will increasingly be third party arrangements for storage, which are directly linked to the points of creation of records. That's going to be a fact, it is going to gradually come in, and the reasons of scale and economy are so obvious. So, for Iron Mountain, yesterday's storage was physical storage, the physical record (and as a rep from Iron Mountain said last night, don't blame us if we store Christmas trees!) But they'll be increasingly storing electronic records on behalf of small companies, big companies, government organisations, under contracts that have been developed by archival authorities. Not a problem, because the post custodial records manager is still developing.

Frank [Rankin] gave an impersonation of the post custodial records manager towards the end of his speech when he was talking about the sorts of futures for the records manager; the records manager who doesn't handle the records but is managing records indirectly (indirectly is not the right word), managing records within systems and steering records and records creation and records formation. So my written presentation is very much about records formation, going back to the records continuum. Basically the formation of records gives a singularity, an emphasis upon records management, that has not been strongly present but needs to be present. It was at its strongest in registry systems and Barbara [Reed] mentioned them yesterday…you'll find references to them in this book [holding up 'Archives, Recordkeeping and Society'].

That doesn't mean that registry systems are the future, it is just that they are not completely our past. There is still a need for the sort of pre-action control system that registries offer. The 'Catalyst or Cataclysm' article was written by post-action records managers, people that never got their hands on the records until long after they had been created and used in the course of business. You throw things into your out tray and at some stage or another they flow through to the records centre and get filed. With registry systems you control things when they hit the office and you control their direction and movement. And that's coming back in through email and central mail boxes. Increasingly in electronic business - and obviously you will have had the same experiences with electronic business that we have had in Australia - people went onto a web site and they set up a mail box and they tried to conduct business, and they forgot that when people send things in via their mail box you need somebody answering and directing and moving that material around. So basically electronic business is going to be run on principles similar to registries in the past. And you will certainly get an EDRMS. But as Barbara [Reed] said yesterday, you'll have multiple solutions and so sitting under the EDRMS will be many electronic business systems, they'll be using web based technologies and operating in a structured way to move material around.

I'm all ready going over time; just thank your lucky stars that I don't do what Max [Beekhuis] did and pick up the microphone because if I did you would be here for an hour because that's the way I teach. [laughter] I really get comfortable when I'm walking around. I do want to briefly mention the model for the records continuum and my records continuum work just as a way of helping to explain how this book is organised, and also linking to turf wars.

The turf wars are particularly intense in America - I haven't noticed any in Australia, I don't know if they exist in the UK either - but in America they do exist. The traditional turf wars in America are about document managers and document management, records managers and records management, corporate archivists and the corporate archives and then what I would call the archivists with broad responsibilities; and those particular groups all seem to battle and contest with each other. What this book does, what my continuum modelling has tried to do, is suggest that they are all part of the records continuum and that for them to be battling each other is counter-productive. I agree with the point Carl [Newton] raised earlier, that the machine itself is a responsibility for engineers but we need the mechanics as well, and if the mechanics are all fighting with each other and tugging away at different parts then the machine is not going to work too well. In this book, Chapter 4 covers 'documents', Chapter 5 'records', which is Barbara's [Reed] magnificent chapter, then Chapter 6 'the archive' is from Hans Hoffman. It's incredible but we had to get a Dutch person to write on the archive, because I don't think anybody in English can

write on the archive as a singularity whereas the Dutch have been thinking about the archive and the corporate archive in much greater depth for a lot longer.

The last part of my written presentation covers the complexity that many people have also raised. The American article ['Catalyst or Cataclysm'] is written by RIM [Records and Information Management] practitioners. I suggested that if you would do something similar today you'd finish up with something like the RAIMISYS-LBAH [records, archives, information management, information systems - legal, business analysis and historical events] practitioner. We went through it all before and Clare [Cowling] I think concurred.

So this is probably my swan song, my fatal move. I've actually done lots of other continuum models, apart from the records continuum model, precisely because of the interdisciplinary aspect of our future, but I know that it is going to seem like too much of a good thing. Except I am also a teacher and I find that the different models I've created are great from a teaching point of view. I teach to this wide constituency, it's the only way we have been able to survive, so I teach archives and records to anybody who will come in and sit in front of me and it includes information technologists, information systems analysts, business analysts etc. I mix them up in project groups and get them to work together. You've got to be aware of other people's territories while holding and being in charge of your own and the continuum models and the different approaches that I've created set that up. I can give students from different backgrounds responsibility for a particular continuum model and that's their turf and their territory and they have to work with others.

So the continuum approach hasn't finished yet, we are still there and we are still working on it - and I think I had better stop, except to say that part of the problem with complexity is (as again someone said in the conference) how to survive. We are in a very complex environment, with many different people involved, so how do we survive? Concentrate on singularities. Make yourself so invaluable in relation to classification (classification is important) and disposition (disposition is going to be vital in organisations, especially as we move into the Iron Mountain stage when doing storage). You have got to work out what records to capture in the first place and use a 'use-case' approach, and be able to work within projects. Registration and metadata are still needed in organisations.

But above all there is the singularity of evidence. If you are not in there involved in the formation of record keeping evidence, then you're out of the game. There is really no future for the old fashioned custodial records manager; you have to be in there helping form evidence in organisations. If you are not in there at the formation of the record, then what are you doing? You should be in there helping to advise on how records are formed - if you are not doing it, give up. Thanks. [applause]

OPEN DISCUSSION

Stuart Orr

Well thanks very much Frank [Upward]. I know we have run out of time, but I got a nod from Julie saying 'don't worry about it' so, I'll try and summarise some of the points.

I know there was some interaction when Clare [Cowling] spoke but hopefully there'll be time for a few points or a few disagreements. I think the issues coming out are: yes it has *changed*, we are living in a world which requires a much richer, *more complex understanding of records management*. The core purpose of the business role of the records manager should not only be facilitators, advisors, framework creators, communicators, they must also *embrace this change or get out*. And do not see the people from different disciplines, who are also coming into the area, as a challenge to your role but as an addition to it; something making it a richer role. There are a lot of other things which were touched on at the fringes, for example people coming in and working effectively who aren't qualified. Not a very detailed summary; just trying to catch some of the points in what was a very rich and varied discussion, which I enjoyed very much as I am sure you did. Are there any points anyone would like to raise to add to the discussion or questions to ask of anybody?

Julie McLeod

It was going to be a question but in fact I think Frank [Upward] almost answered it but I'll just share it. Clare, [Cowling] what you were saying reminded me of Bearman and Hedstrom's call to arms maybe 10 years ago, that records managers should 'stop rowing and start steering'. I think that is about positioning where they are, not the doers but the facilitators, and I don't think anybody around here would disagree with that. But for academics and those of us who are 'challenged' with providing teaching and learning opportunities and future generations of records managers and users or records keepers who understand, then I think one of our challenges is that we've got such a breadth of topics to cover.

Years ago, people said we should have psychology in the RM Masters [MSc programme]. It isn't in our Masters, but communications, IT, general management, business process mapping, organisational understanding are - they are all generic things. Then there are the records management specific topics such as appraisal, classification etc. etc. So it's a real challenge to us at this side to get the breadth as well as sufficient depth. I wondered - this was going to be my question but Frank [Upward] is already doing it - I wondered if we should be thinking about people studying other subjects - engineers, computer scientists, artists all the other subjects. How do we get them to understand their responsibilities as well as their rights - their freedom for using PCs etc., for creating information? How do we get them to

understand their responsibilities sufficiently that we make life easy for them (as Steve [Bailey] said I think in the first presentation)? We don't add a burden to the users but we can make some things invisible if they understand something of their role in records management.

Should we be teaching RM on other undergraduate programmes? I guess Frank [Upward] would answer 'yes'. I've tried it within our own undergraduate programmes and I had some success by taking email as the context, as records are boring to many people, let alone you can just imagine a compulsory module on records management and the artists would yawn (!) Actually people were really enlightened, the kind of people who came in with a baseball cap turned on the wrong way round - and I sort of bristled 'cos I don't have a 17 year old son who walks in with a baseball cap - they really found it quite interesting just because I had hit on email as something they could work with. I wonder if anyone else thinks that we should be trying this, and whether we have got other tricks for getting people interested?

Steve Bailey

It is a slightly different point but it is quite closely related. It is something that I have realised from my own experience in terms of integrating records management training in an organisation. If you run a records management training session for staff, and no matter how many muffins and cookies you provide, attendance will be very low. Down the corridor there is someone running courses, beginner, intermediate and advanced level on, for example, how to use Microsoft Word. And what always happens, I can guarantee, is they are told 'ok write your document, now you need to save it, ok, hit save, don't worry about what you call it, just call it Steve's document and put it in there.' And then they will move on to the next bit of the training.

The big trick missing is, at that point, just pausing and saying 'now ok you have created your document, let's have a think about what you are going to call it, let's have a think about where it's going to go. Are their any rules that we should follow?' It's as simple as that. I'm not saying it is going to change the world but within an organisation it can be as simple as that, just spending an extra five minutes in doing something within the process and it doesn't become a big deal and it doesn't become boring but it does become effective because it's actually seen in the same way as writing the word document and putting in italics and then sticking it somewhere. That has paid dividends in the past.

Nigel Longhurst

I totally endorse what was said in those last comments. I heard something which I would like to share with everybody here about another conference. People related back to the value aspect and the cost aspect and there was a lot of comment that the training is too expensive. A lovely comment came back - 'if you think training is expensive you wait till you calculate the cost of ignorance'.

Frank Upward

In relation to the teaching aspects and how it might connect to workplaces. We did teach at undergraduate level but student numbers dried up and the IT area in Australia is in trouble in terms of student numbers. However, teaching records management works, and continues to work, at post graduate level and it's kept our courses alive and enabled us to teach a few archivists and records managers and a lot of other people because they want to know. And it works because of project management techniques. For example, a subject I teach is document management and you set people up in project terms and get them to do a hands-on thing and it's a lot of fun. They enjoy it, I enjoy it, everybody enjoys it. So if you are going to run a training programme in an organisation work out a hands-on project where you can get people together and work together on something that they don't feel has been done before. It might be as simple as their personal banking account, or accessing their business documents via the Web from all over the world. Get them to work on a project that has some use to them. That would be my advice for the workplace.

Clare Cowling

I just wanted to quickly mention two things about training. We had compulsory FOI [Freedom of Information] training in the Law Society, and we had it at my last two organisations, but guess what it's all about – it's all about records management. That's how you get the training in. The other thing is, if you are going to have end users doing records management it has got to be in the job description. That's what I'm working on at the Law Society. People spend a third of their time trying to manage records and information - get it in the job description, get it in the objectives.

Frank Rankin

I just wanted to tie this back to one of the debates yesterday between Barbara [Reed] and Steve [Bailey] - the issue of the visibility or invisibility of records management. I fully agree with Clare [Cowling] that in the electronic environment all the users are the records managers, but we have to act indirectly. They may never hear the two words together, suits me fine if they never think in terms of 'records management'. What they should be aware of is the record keeping elements of their role and the records keeping tasks, which they are either enabled to do with the tools or obliged to

do by the system rules. If they never hear about records management that's fine. So that's a kind of third way in the visible versus invisible records management debate.

Peter McKinney

If we take Julie's [McLeod] example, and we start becoming the steerer, I really don't want to become the goad in the Roman galley that's pulling me along. The question that has to keep on coming up - which in Steve's [Bailey] example of doing IT training there is no answer to - the question 'why' has to be kept on being asked. 'Why are we doing this? Why are you making me do these things? If you don't tell me a good answer I'm not going to do it for you'.

Stuart Orr

We have overrun, I'm sorry Julie, but I assume we haven't got time for any more points. But I'm sure that there are a lot of points that could be raised and will be raised over lunch. [laughter] If you could thank the witnesses that have come along. [applause]

CONCLUDING SESSION
3.20-4.00pm

INTRODUCTION
Julie McLeod

The nature of this conference demands analysis and reflection, and I am sure that we will each do that when we leave, on our own and in with others. But what of our immediate impressions now that the main discussions have taken place?

I am particularly delighted that **David Ryan** [Director of Records, Royal Household] did not hesitate to take up the challenge of acting as the conference rapporteur and summarising the discussion and debate we have witnessed over the last one and a half days. I am intrigued to hear his conclusions about the issues that have been raised, what they indicate in terms of our thinking, and his personal observations about the value of witness seminars for the records profession moving forward.

RAPPORTEUR'S SUMMARY AND CONCLUSIONS
David Ryan

Before I actually start the summary, can everyone see what I have on my screen? It says 'Design a presentation' it doesn't say 'Microsoft PowerPoint'. I've actually changed these. On my desktop in my office all my icons are changed to things like 'I'd like to write a document', 'I'd like to design a presentation', 'I'd like to compose a spreadsheet', 'search the internet'. My outlook box says 'read my email' and 'organise my calendar' as the actual names on the desktop for those products. So, without further ado…

As Julie has mentioned, I am the final speaker at the conference, and I'm going to be very quick as I realise time is moving on. I hope not to bore you to death with PowerPoint but there are some points on the slides [see Appendix C for the slides which are referred to throughout this presentation] which I will raise as we go along.

The brief I was given was to summarise the discussion and debate, draw some conclusions about the issues raised and make some personal observations on the value of the conference format and any other thoughts. I am going to jump straight ahead and say about the conclusion about the issues raised 'Paradigm Shift or Continuous Development?' My view is that there is nothing new under the sun. I don't think there is a paradigm shift. I think there are just opportunities to be taken and that is hopefully what will come out in the points I will pick out.

First thoughts. I think it is worth saying the following: this is an inspiring location [St James' Football Ground] except perhaps for Sunderland fans; the weather has been absolutely beautiful even though most of the time we have actually spent indoors. Yesterday evening was absolutely superb. I think we should all thank Julie and her colleagues [applause] and I also think we should thank Newcastle United for such a fantastic facility that they have put on for us, and also for the sponsorship from Iron Mountain and Emerald. [applause]

Moving quickly on, the debate itself. I think it has been extremely interesting, quite profound in fact. When I get on the train I am going to relax, because I have found the last day and a half quite an intense period. There has been a wide variety of views and experiences from across the globe. I think this conference will inform the future path for the profession and I am looking forward to receiving the conference proceedings; I am sure we all are. It has been sometimes rather highbrow. It's the first conference I've ever been to where, in one afternoon, we have had Descartes, Jacques Derrida, Plato, Aristotle and Copernicus all discussed - it is a long way from cardboard boxes! [laughter] Although carrying around a lot cardboard boxes around does make you very philosophical at times I have to say!

So, the approach appears to me to be to use the three seminars to actually try and seek out the essence of what records management is about. The thing that has really struck me over the last day and a half is that we're talking about talking the language of management and chief executives and I think there are some fantastic sound bites. So most of the rest of this talk is a series of quotations of fantastic sound bites that we have had the pleasure to listen to. I think what is great about these sound bites is each one of them I think can give us a lot of thought about what lies behind each of the statements. They are not just throwaway lines, they are topics for discussion.

For Seminar 1 the topic was 'Embedding Records Management into the Business Process'. Steve Bailey started off in fine form saying "it's not illegal to impersonate a records manager"; and in fact it is hard to know what actually is a records manager, since we have had such a variety of views about what that should be. Copernican revolution, Steve mentioned, and other issues that Peter Horsman went on to mention. A key one is that there has been a 50% drop in membership of the Records Management Society in the Netherlands. Why is that? That is something we need to take away and think about. Peter also mentioned poor e-mail practices. Organisations it might be supposed are in information chaos but it hasn't stopped them working. They don't go out of business because they do poor record keeping generally. He also raised the possible move back to oral traditions rather than recordkeeping ones. Gary Johnston went on to mention about "embedded systems", "strong verbs", "activity led IT", and that is something I will come back to in a few moments.

I like Barbara Reed's phrase "it's the context stupid" because I think that is our USP, our Unique Selling Point. It is about appraisal, about retention. It is about the electronic equivalent of throwing the record in the black bag. It is about cost control. And it not just about cost control, it is about, if you throw rubbish away, if you got rid of data that is obsolete and wrong, then it makes it easier to search the records that still remain in order to come to the right decision; and that is something that lots of people in the information world don't seem to grasp. This is the fundamental task of records managers, to complete a retention schedule. (Barbara also highlighted that the e-world is more granular than the paper world and web services can deliver the promises of workflow).

Moving on, the phrase "convergence" came up several times over the last day and a half and I'm going to come back to that at the end. "What impact will embedding records management in business processes actually have?" "The cultural shift starts here – it's not just the users who need to change, it's us." And, from the subsequent discussion:

- "compliance is a hygiene factor not an added value proposition"
- "get the business to do what the business should do – innovate its core activities"
- "organising the chaos (the exciting post 1978 chaos)"
- "practical help for BS7799[43] more productive than records managers proselytizing"
- "ageing profession with a dip in the middle years"
- "responsibility vs accountability" and
- "orchestration layers."

These are all great phrases.

So, one of the things that was mentioned by Steve was his famous Venn diagram with IT, legal and the business. People can think where is records management? Are we in one of those three groups? Behind them? Completely slipped off the page?

So, the second seminar was 'The Management of Risk'. This business of "we can rule vast territories". Vicki Lemieux said that if we don't forget who we are and we learn the traditions of colleagues, we can do well. If anybody was to ask me about my own career, that is something I have done assiduously; just learn from anybody who

[43] BS 7799 replaced by BS ISO/IEC 17799, (2000), *Information technology – code of practice for information security management*, ISO.

will tell me anything about anything; empathise with the business and also find out what IT people are actually up to and what are their latest products and ideas. What are the latest techniques, what are they interested in doing, so you can actually have a reasonable discussion if you keep switched on to what the issues are in the business. That enables us to move "from the basement to the boardroom".

What has also interested me over the last day and a half is there is no shortage of guidelines, no shortage of organisations, of web sites, publications that can help us do the job – *COSO, ERMIF* [and] *Section 404*[44]. Going back to the point I have just raised about retention scheduling, it is about Gary's embedded systems and strong verbs; it is about action, doing these things, reading these books, implementing these systems and not just endlessly talking and acting in the records centre.

This was an interesting point I thought - "there is always some risk when taking retention decisions based on business need not law." And yet the Records Management Society web site has a retention schedule for local government people, The National Archives has a marvellous set of retention schedules by business activity; but can anybody put their hand up who has actually got a real retention schedule that is current and active, covers all the records in their organisation and has been signed off by all the departmental managers? [No hands raised] You have answered my question - it was a rhetorical question.

Michael Dunleavy's point of contact: Challenge 1 to talk the Chief Executive's language and have the story ready; Challenge 2 to discuss with colleagues and suppliers, before the chief executive decides for you. This is what you need to do. Engage with your colleagues, find out what you really want to do, talk to your suppliers. I have always talked to my suppliers, over the years, even people I have ended up not using. Find out what is going on, what the best decisions actually are; be well informed and actually go to the Chief Executive before he comes to you and does exactly what Michael said – tells you what the answer is, and you will have had no participation in the result.

So, moving on to the panel discussion 'A View from the Bridge'. This was interesting. There was a reluctance to discuss ethics, but there was a big enthusiasm for ERM [electronic records management], which I find quite worrying. Maybe by

[44] COSO (Committee of Sponsoring Organisations of the Treadway Commission (National Commission on Fraudulent Financial Reporting)), (1992). *Internal control – integrated framework.* http://www.coso.org/ and *Enterprise risk management – integrated framework (ERMIF)*, 2004, http://www.coso.org/publications.htm Executive summary at www.coso.org/publications/executive_summary_integrated_framework.htm; Sarbanes Oxley Act 2002. Section 404. *Management's Reports on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports.* http://www.sec.gov/rules/final/33-8238.htm

the end of last night, in the Baltic, in the heat, there may have been some reluctance to discuss ethics. People may have been tired, too tired to discuss ethics, but the enthusiasm for ERM? I won't bore you with my views of ERM this afternoon, but if you do want to know them you can stop me before I leave, I promise I will keep it polite!

The third seminar was 'Who are the Records Managers.' This soundbite - "the sunlit uplands of democratic transparency" - I'll try and sing that phrase! [laughter] It is the only time, apart from the philosophical musings bit, that we have actually heard somebody say something profound about what it is all for. OK it was said with a sense of irony, but it was actually a statement about business benefit, about what it actually is about, why are we doing this? FOI [Freedom of Information] is not just nice to have; it didn't get made up just because someone thought it might be nice. It was done for a pragmatic reason, a real business reason. They are the kind of phrases, if you look at business objectives. OK it is difficult, as they keep changing, but that is why we do FOI, because we are going to have "the sunlit uplands of democratic transparency". It is easy to laugh, but that is the reality of why we are doing it, to make things better.

I definitely agree with what Frank Rankin said in this seminar. We are not custodians anymore – "shape the tools that allow records to be managed." We still are involved with storage but, actually, many of the records that we naturally store in paper form in record centres, they are not the records; they are copies. The real records are on the servers in the data centre. And I don't manage the data centre. Nor did I in previous jobs either. If you are in the public sector I would definitely recommend the document on the transformation of government[45] because, as well as the work that has been done by The National Archives on electronic records, if you want the wider context about what electronic records are going to do for the public services, that document describes it. And there is a whole raft of work about information assurance, information governance, information security, which the Cabinet Office have engaged in, which is really good. Their web site is fantastic[46].

The final point there "the post-custodial era has started". Who in this room manages the data centre? There we are, one person. It is true, the users to a large degree are the records managers. The IT department do the records storage, they store the records that people create. People don't create paper documents, they print out copies. The records they create are created in Microsoft Office or in their email account, and it is up to them, arbitrarily mainly, to decide whether to delete them or

[45] Cabinet Office, (2005), *Transformational government: Enabled by technology*, http://www.cio.gov.uk/transformational_government/strategy/index.asp

[46] Cabinet Office, http://www.cabinetoffice.gov.uk

not. And that, I think, is quite a dangerous situation. And IT don't actually manage; they don't seem to mind what you have on the system as long as it's not contravening one of their, what they call 'acceptable use policies' that I like to think of as 'unacceptable use policies', because they don't actually tell you what it is good to do, or what to call your document. They tell you what you can't do all the time.

Turning to the format of the conference. This is obviously my personal view but I thought it was very successful. A high degree of interaction between the speakers in the round table sessions. I thought there was a high degree of participation from the audience, much more so than any other conference that I have been to recently; and I think that we have been well managed in timing and content, good organisation and good chairmanship in every session.

So, finally, any other thoughts? A refreshing lack of PowerPoint until now! [laughter] Interestingly, what hasn't been raised? The web, the fact that we now live with/in extended organisations, extranets, outsourced facilities, outsourced business processes, remote working, people working logging on from home. And a very interesting fact that we now have increasingly with these blogs, real time feedback from the public on companies, so when you buy a book on Amazon you can review it. That is not only of interest to Amazon, but of interest to the publisher also. Other organisations like Apple, on their store site, they allow you to comment on their products. So there is all that sort of stuff going on that we haven't discussed. Those kind of records, comments from the public on to your web site, that is a record. Whose record is it? Who owns the copyright? What is going to be done about it?

We haven't talked about librarians. It is not just IT people that out number records managers and archivists, librarians outnumber us by a huge degree. Convergence. I mean the librarians, CILIP [Chartered Institute of Library and Information Professionals] being formed, that is convergence. I must admit I am not that keen on convergence. I think we should do the Chinese Emperor route [Vicki Lemieux's witness statement]. We should understand what other people do but stick to what we do, which is all about appraisal because I have never met a librarian or an IT person yet that understood appraisal. Also the availability of on-line information, I have mentioned about all these guidelines that other speakers have mentioned, but we haven't really discussed about the fantastic range of support software, free open source software as well as commercial software, and information. OK, it doesn't displace 26 business analysts versus one records manager [Clare Cowling's witness statement], but it does equal it up a little bit.

We also haven't talked about the risk of non-compliance. It got mentioned briefly, but we didn't actually talk about what that meant. So I've got an example of the risk of non-compliance and it's our own non-compliance. If we don't do appraisal, if we

don't have classification, if we don't have retention schedules, if we don't have the business, what will happen is what Barbara [Reed] mentioned yesterday - another five years of total chaos and lots and lots of yellow boxes in data centres, Google appliances running, crawling the network in the middle of the night and users coming in in the morning. They won't need to bother about 'Save as' or it won't matter if they called it 'Chris.doc' because they will just have Google Enterprise inside their network; they will search for it, they won't use classification, they will use 'search' and things may get even worse.

Another thing that we haven't discussed is metrics. We have talked about how we measure things but it has all been very, very vague. We have talked about what is a profession? It has to have standard rules and mechanisms that are understood by all members of that profession. Clearly we need return on investment and to discuss this thing - intangible metrics. I'm not a big believer in any of that. To me that means that we still haven't yet defined closely enough what we are actually talking about. It is tangible. If we can have a metric for it, it must be tangible; it must actually mean something, you must be able to measure it. You may be measuring how happy people are, or some other subjective thing, but it is still tangible and I think we really need to think about that a lot more, especially if we've got this elevated pitch to the Chief Executive to do. We have got to have some facts and figures to actually present to them. One of the major things, of course, is about the storage on the network servers, which goes up and up and up every year. So, if we can give them an impact analysis of what would happen if we are able to delete all the copies and the drafts, and how many servers we would be able to get rid of, and how much less back up we would have to do every night in the systems, I think that would certainly help us.

So finally, I'd like to leave you with three questions. We have talked a lot about chaos:

1. 'Do senior managers actually believe their organisations are in chaos?'

I don't see much evidence of this, anywhere I have ever worked. I don't believe my senior managers thought their organisations were in chaos. I think they believe that their organisations are extremely competently run. So there is a gap, going back to the triangles that Michael Dunleavy came up with, between what we would like to see as record keeping and how senior management think their organisations are operating.

Also two related questions. We have talked vaguely about IT a lot over the last day and a half:

2. If after all these years, nearly 50 years now of IT and 20 almost of Microsoft hegemony, if IT haven't sorted out organisational processes and records, and they haven't, after a long time why isn't the business asking us?

Why aren't they turning to somebody else? Everybody has these apocryphal tales of the unhelpful IT help desk and how IT applications never really do what they want and even people at senior levels complain about it, but they don't do anything about it, it doesn't change, so why is that?

And this is the final thing, it was mentioned today by Clare Cowling about the 26 business analysts. Now I had already written this, but Clare's speech was a good example of this:

3. Why does IT have so many specialisms and RM none

I have thought about this a lot over the last few months. IT people have specialists for every function. When I set up digital preservation at The National Archives, I hired an XML specialist, a Data Centre Manager, an Oracle DBA etc. All these specialist jobs, and it wasn't difficult to find people to do these jobs. You just put an advert on the Computer Weekly web site. It was not difficult to find people. So, records managers, do we have all this variety of function within records management? Well not every records manager is doing the same thing, but we don't have a set of classifications of job types within records management the same way they do in IT. I haven't got an answer to that; I think it is a question worth thinking about.

Thank you very much. [applause]

CLOSING REMARKS

Julie McLeod

Thank you very much indeed David for what I think was a superb summary and some, as ever, incisive analysis, reflection and immediate impressions. A great conclusion to the conference. I think what you have left us with are questions and other topics that might possibly form another conference.

All that remains now is for me to close the conference, not with a summary as David has provided an excellent one, but with some thank yous. First, to a number of people who helped to make it happen: Peter Benfell, the person whose email sparked off the idea, and Michael Moss, who planted the idea of the witness seminar and shared many other thoughts at various times; my colleagues Sarah Howells, for her support

in organising it, and Sue Childs and Susan Heaford for ensuring we captured an audio record of the event. But, most of all, thanks to our two sponsors – Iron Mountain UK Ltd and Emerald Publishing. I am particularly grateful to Michael Kennedy of Iron Mountain and Diane Heath at Emerald. Without their support, the idea would not have come to fruition.

My second 'thank you' goes to everyone who accepted the invitation to participate, either as a witness, as a chairperson, or an 'intelligence agent' and, in David's case, as our rapporteur. I think it was a brave thing to do. Without your contributions the debate could not have begun and without the quality of your contributions the discussion would not have been nearly so stimulating. And a particular thanks to those of you who have travelled significant distances to take part.

My final thanks go to everyone else in the room – our delegates. The fact that you wanted to attend says something about the topics, the speakers or the format, and mostly likely a combination of those. The fact that you engaged in the discussion and debate suggests the experience has been worthwhile.

So, it only remains for me to wish you all a safe journey, wherever you are bound.

Thank you all.

PHOTOGRAPHS:

Delegates and witnesses during the conference

APPENDIX A: WITNESS BIOGRAPHIES

Steve Bailey, JISC

Steve currently leads both JISC's own internal Records & Information Management activities and its programme of innovative projects and other initiatives aimed at promoting and supporting the development of institutional records management and e-administration within the Further and Higher Education Sectors. He has written and presented extensively on a wide range of issues relating in particular to the challenges of electronic records management and the requirements of the Freedom of Information Act. Previously he held records management positions with Pfizer Inc and the University of Gloucestershire. Steve has a history degree from Reading University and a Masters in Archives and Records Management from University College London. He is a former Director of the Records Management Society and is currently a member of both the Education & Skills FOI Sector Group and the Department of Constitutional Affairs Information Rights User Group. He also represents JISC on the UK Web Archiving Consortium which has recently announced the launch of the UK Web Archive.

Max Beekhuis, Doxis Informationmanagers

Since 1999 Max has been Managing Director of Doxis Informationmanagers. Doxis specialises in efficient and effective information management and all the activities that facilitate it, offering its clients optimised document and information management solutions with long term benefits that are firmly embedded in the client's organisation. Doxis is a subsidiary of Ernst & Young and employs 170 professionals working for government agencies as well as for corporate clients. Before 1999 Max worked at the National Archives as Deputy Director. Max is chair of the Dutch Committee of the ISO-15489 and his main interest lies in the development of strategic information management solutions.

Peter Benfell, United Nations

Peter has a background in public sector finance with past roles including Records Management Advisor to both the New Zealand Treasury and New Zealand Debt Management Office, and as Information Manager with the United Kingdom Debt Management Office. He has practical experience in paper and electronic record keeping, and in developing strategies for optimising records collections to meet business, evidential, and cultural needs. Between 2002 and 2005 he served on the Executive of the Association of Departmental Records Officers, an ex-officio group representing the interests of central government records managers. After a period as a freelance consultant he is about to take up a position in the Archives & Records Management Section of the United Nations based in New York. He has a Masters in

Music from Victoria University of Wellington and an MSc in Records Management from Northumbria University.

Clare Cowling, The Law Society

Born in Australia, Clare began her career as an archivist/records manager in the Archives Office of Tasmania, moving on to the National Archives of Australia. She settled in the UK in 1979 and spent the next 20 years bringing up her three children, at the same time undertaking a variety of temporary and part-time jobs, from tea lady to typist to filing clerk to legal records researcher, before becoming the Archivist (concurrently) for the Institute of Advanced Legal Studies and the Royal College of Obstetricians and Gynaecologists. Clare moved back into full-time work in 2001 as the Records Manager for the University of London, then for King's College London and, from December 2004, for the Law Society. Clare is an active member of the Records Management Society and is particularly focussed on the need for records managers to actively market their products and skills within their organisations.

Dr James Currall, Glasgow University

James is Director of Strategy and Planning in IT Services and also a senior research fellow in the Humanities Advanced Technology and Information Institute (HATII) at the University of Glasgow. In both these roles he contributes to the new MSc in Information Management and Preservation in the University. He has conducted funded research projects on Effective Records Management, Information Security, Middleware technologies and, most recently, into risk and the value of information assets and how these may effectively be used in the construction of sound business cases for information projects. James's background is in statistics and he is currently a member of the Council of the Royal Statistical Society.

Michael Dunleavy, Iron Mountain UK Ltd

Michael has worked in the commercial records and information management industry for almost 10 years in the UK. He has headed up medium sized start up companies and is now employed by Iron Mountain UK Ltd. the world's largest provider of records and information management solutions. He currently heads up their Public Sector and BPO (Business Process Outsourcing) division where he is responsible for designing and bringing to market innovative information management solutions to both the public and private sector.

David Faurio, Bibliothèque Nationale de France

David has a varied background, which gives him an ever questioning and new look onto his environment. Starting in the project management in the telecommunications industry and IT, such as Wireless local loop systems, European IT helpdesk

implementation, he then embraced the quality management field by dealing with quality engineering in the internet and TV cable sector in France. He pursued the quality management field by joining the Bibliothèque Nationale de France in 2002 as quality manager of the IT department. Holding a degree in international business at the school of European Business Studies in Bordeaux, David has lived in Detroit, Michigan and now works on new records management projects and digital content management systems at the national library in France. He is a member of the AFNOR and ISO record management committees.

Susannah Hanlon, Northumbria University

Susannah taught business and information systems at a college of further education for 11 years before joining Northumbria University 6 years ago. She is a Senior Lecturer in information, library and web management in the School of Computing, Engineering & Information Sciences. Prior to teaching, Susannah also worked as an administrator and text editor for an IT research journal at University College Dublin. With a particular interest in data regulations and ethics her publications are mainly in the area of intellectual property.

Peter Horsman, Netherlands Institute for Archival Education and Research

Peter works with the Archiefschool at the Netherlands Institute for Archival Education and Research, where he is responsible for the research programme. He started his archival career in 1975 at the municipal archives of Dordrecht and worked with the Netherlands States Archives from 1981-1998. He holds a master degree in information and knowledge technology, has delivered papers on various topics in many countries, and consulted a variety of organisations on recordkeeping, archival databases, electronic records management, and preservation of electronic records. He specialises in modelling archival and recordkeeping functions; as early as at the 1996 DLM forum he delivered a paper on a design for a knowledge-based electronic record-keeping system. He works with the City Archives of Rotterdam on the development of a digital repository and, with colleagues, on a national standard for recordkeeping functionality in software. His further research focuses on recordkeeping systems and the history of archival concepts.

Ceri Hughes, KPMG LLP

Ceri is Associate Director of Knowledge Management at KPMG LLP where she is based in the Financial Advisory Services practice. She is a past Chair of the Records Management Society of Great Britain and holds an MSc in Records Management from the University of Northumbria.

Alastair Irons, Northumbria University

Alastair is Associate Dean for Learning and Teaching in the School of Computing, Engineering and Information Sciences (CEIS) where he is responsible for quality assurance, quality enhancement and management of the School's portfolio of programmes. He has worked in HE since 1991 after spending 7 years working in the chemical industry. His main area of subject research currently centres on computer forensics where he has embedded his research in the development of a new BSc (Hons) Computer Forensics programme and has developed teaching and research facilities for computer forensics. Alastair is a Fellow of the British Computer Society, a Chartered IT Professional, a Fellow of the Staff and Educational Development Association (SEDA), a member of the Council of Heads and Professors in Computing (CPHC) and is a member of the HE Academy.

Gary Johnston, Audata Ltd

Gary has worked for Audata for nearly seven years and is currently their Technical Director. Initially trained as a software engineer he completed a degree in Information Technology, has studied software testing and is a PRINCE2 project manager. Whilst working for Audata on various information management projects, Gary developed an interest in the information itself, which lead to him studying records management and gaining an MSc from Northumbria University. He has worked on many projects involving different aspects of records management, both in the public and private sector, including information audits and strategic reviews, building and implementing functional and structural classification schemes, implementing EDRMS, project managing The National Archives Digital Archive project, integrating systems and records during mergers and managing the day to day operations of a records centre.

Vicki L Lemieux, Credit Suisse First Boston

Vicki is currently a Vice-President at Credit Suisse in IT Risk and Security and has previously held management positions in Kingston, Jamaica as Head of the University of the West Indies' Archives and Records Management Programme and in Canada as Director of Corporate Records and Information Services for the City of Edmonton. She has undertaken public sector reform related consulting assignments for international agencies such as the Commonwealth Secretariat, the UN, and the World Bank as well as a number of public sector entities in Canada, the Caribbean, Africa and the UK. A graduate of the Universities of Toronto and British Columbia and University College London, she is a Certified Information Systems Security Professional (CISSP). Vicki is a frequent speaker at conferences and seminars and has published extensively including Risk Management for Records and Information (Lenexa, KS: ARMA International, 2004). She is a founding member of the Kingston, Jamaica chapter of the Association of Records Managers and

Administrators (ARMA) International and the recently established Investment Banking Records Management Forum.

Dr Julie McLeod, Northumbria University

Julie is a Reader in Records Management in the School of Computing, Engineering & Information Sciences and also Programme Leader of the MSc Records Management (distance learning) course, the first of its kind in the UK. She has conducted funded research projects into the management of research records, the impact of ISO 15489 in the UK and the evaluation of records management toolkits. She is currently a member of the committee responsible for the development of ISO 15489 and of the Arts & Humanities Research Council Panel 6, which supports research and vocational education in records management, archives and librarianship. Prior to joining Northumbria University Julie had a long career in industry in records and information management.

Ian McEwen, Metropolitan Police Service

Ian is Head of Records Management at the Metropolitan Police Service. His career in information management spans 20 years and includes experience in the government, pharmaceutical, banking, insurance, manufacturing and retail sectors. Ian has implemented many different information and systems projects including data warehousing, business intelligence, software development and records management. As well as heading up a large paper-based Records Management service he is leading change to digital records within the criminal justice system with special consideration for evidential weight.

Peter McKinney, Glasgow University

Peter is Research Officer for the espida project, which is developing a sustainable business-focussed model for digital preservation [www.gla.ac.uk/espida]. Previously, he was Coordinator of ERPANET, a key international player in the area of digital preservation {www.erpanet.org}. As a member of HATII at the University of Glasgow he taught on their successful digitisation summer school at various international venues and, among other things, was part of the team that developed the NINCH Guide to Good Practice in the Digital Representation & Management of Cultural Heritage Materials.

Prof. Michael Moss, Glasgow University

Michael Moss was born in Yorkshire and educated at Bath and Oxford. He trained as an archivist at the Bodleian Library and was archivist at the University of Glasgow from 1974 until 2001. Since then he has been research professor in archive studies in

the Humanities Advanced Technology and Information Institute (HATII). He has published widely on many subjects.

Carl Newton, Visiting Professor in Archives at Northumbria University

Carl has had a long involvement in archives and records management. A local government career, beginning in 1957, culminated as County Archivist of East Sussex and was followed by posts with British Steel and British Petroleum. He then turned consultant, first with James Martin, the guru of information strategy planners, then setting up his own consultancy firm in 1988 from which he retired in 2000 and has continued to maintain his archive and records management interests. He is author of many articles in the professional press, was keynote speaker at the Records Management Association of Australia's conference in 1996, and in 1999 was acclaimed Records Manager of the Year by the Records Management Society of GB.

Stuart Orr, Department of Trade & Industry

Stuart has held senior positions in records and information management since 1983 and is currently an Assistant Director in the Department of Trade & Industry (DTI) responsible for records management policy, standards and projects. One recent major project was the implementation of EDRM to the 5000 users in DTI. Taking place between 2000-3 it was the first successful EDRM implementation in a major UK government department. Stuart is a member of a number of committees and working groups including the BSI Standards Committee on Records & Information Management, The National Archives' Records Management Advisory Group and the UK Government's EDRM working group. Since 1994 he has carried out consultancy projects on behalf of the International Records Management Trust in The Gambia, Ghana, Tanzania and Zimbabwe. He holds a degree in Biology from the University of London, a Diploma in Records & Information Management from the University of Liverpool and a Masters in Records Management from Northumbria University.

Barbara Reed, Recordkeeping Innovation Pty Ltd

Barbara is Director and Principal Consultant of Recordkeeping Innovation Pty Ltd, based in Sydney, Australia, and a leading international expert in records management. With over 15 years' consultancy experience for clients in all sectors, five years as a senior lecturer at Monash University and delivery of recordkeeping education and training, Barbara is also Head of the Australian Delegation to the committee responsible for the development of ISO 15489 and a member of the Australian Standards Committee working on a single Australian Recordkeeping Metadata standard.

Frank Rankin, Department for International Development (DfID)

Frank is a graduate of the Universities of Glasgow and Liverpool. He has worked as an archivist and records manager for Shell International, the Business Archives Council of Scotland, the University of Glasgow and South Lanarkshire Council. Since 2003 he has been Head of Open Government Unit at the UK Government's Department for International Development, responsible for FOI compliance and electronic records management.

David Ryan, Royal Household

David is Director of Records for the Royal Household. From 2001-2004, he was Head of Digital Preservation at the UK National Archives, where he led the team that won the 2004 Pilgrims Trust Award for Digital Preservation. Prior to joining The National Archives, David was Head of Information Management at Pfizer Ltd., where he successfully introduced a major change programme in the management of electronic records. He began his career as Curator of Maritime Records at Merseyside Maritime Museum having graduated from King's College, London and then gaining a Postgraduate Diploma in Archive Studies from University College, London.

Frank Upward, Monash University

Frank is currently undertaking a PhD at Monash University in Melbourne, and is also undertaking various other research and writing tasks. He was formerly a senior lecturer in the School of Information Management Systems at Monash and, in the more distant past, worked as an archivist, registrar, and information manager in government positions and as a consultant where his particular field of expertise was the design and implementation of recordkeeping systems. He is internationally renowned for his work on the records continuum model.

Victoria Vallely, Eversheds

Victoria joined Eversheds in 2004 as an employment lawyer and is now a solicitor in their Human Resources Group. She has experience in advising on all areas of contentious and non-contentious employment law. In particular, her experience of Employment Tribunals has included cases on sex discrimination, disability discrimination, equal pay, unfair dismissal and breach of contract. Victoria also advises on non-contentious areas including large-scale redundancies, TUPE, information and consultation, policy and terms and conditions. She has a particular interest in data protection and privacy issues and has advised extensively on global data protection policies. Victoria has extensive experience of the financial sector having spent time on secondment at Bank of New York, HSBC and Bank of America. Whilst on secondment, Victoria worked as in-house counsel directly supporting both

the business and Human Resources. Her experience involved advising on all day-to-day human resources issues such as disciplinary and grievance procedures and executive appointments. In addition Victoria also advised on mergers and acquisitions and business transfer issues.

Vicki Wilkinson, Royal Bank of Scotland

Vicki is a qualified records manager who has worked in a variety of industries over the last 20 years, ranging from Save the Children Fund to Glasgow University and extensively in the financial sector. She joined the Royal Bank of Scotland in 1992 as Archivist and was appointed to Group Records Manager in November 2004. Her particular interest is in functional classification schemes and in the links between archives and records management. Outside of work one of her interests is as the Chair of a Planning & Preservation Action Group.

Dr David Wainwright, Northumbria University

David is a Reader in Information Systems and also Head of Collaborative Research within the School of Computing, Engineering and Information Sciences. His research is in the area of organizational modelling for information systems adoption, planning and implementation. This involves the application of social, organizational and innovative theoretical approaches to understand the complex cultural, power and political issues associated with ICT use in both the private and public sectors. Current projects involve the NHS primary and secondary care sectors, the public sector exploring new theories and value models associated with electronic business, and the strategic potential of business process modelling and management across both large and small organizations. The latter is particularly focused on developing organizational analytic modelling (advanced thin client and web enabled technologies) and methods and examining the transformational impact of ICTs on working practices, job design and work organisation. David is an elected Board Member of the UK Academy for Information Systems and a Member of British Computer Society.

APPENDIX B: WRITTEN WITNESS STATEMENTS

This Appendix contains the statements submitted by each witness prior to the conference. Witnesses were asked to read the relevant article for their seminar and prepare a brief (1-2 page) position on the topic. These were sent to the seminar Chair so that he/she could read them in advance and determine an appropriate provisional order for witnesses to speak and be aware of issues to pursue. The statements were not required to be formal or presented as carefully referenced papers. They were meant to capture the individual's views and form the basis of their 8-10 minute contribution at the conference.

Some witnesses followed their statements very closely on the day; others excluded some points and/or included extra points, or picked up points made during the event. One witness (Max Beekhuis) departed completely from his statement, engaging in the flow and development of the event by facilitating an activity involving delegate participation.

The original statements are included here in ***alphabetical order*** to complete the record.

Steve Bailey: Witness Statement

(Seminar 1: Embedding Records Management into Business Processes)

A couple of truisms that whilst perhaps are self-evident are often overlooked by records managers but which will inform the rest of this witness statement:

1. Unlike being a doctor, or a policeman, it is not illegal to impersonate a records manager. If we are being marginalised there is nothing we can rely upon to protect our position. It is up to us to establish what our 'Unique Selling Point' is, to promote it and to build upon it. What is it that we, and no one but us can bring to our organisations? And if we can't identify and articulate what it is then we have only ourselves to blame and only a few years to find another career.
2. Whilst Chris Hurley may optimistically categorise mankind as essentially a 'recordkeeping mammal', the management of records in itself is at best of only marginal interest to the average user. An industrial chemist's interest is in chemistry, an architect's in design. Both may create and need records to fulfil their role, but so long as they can find what they need when they need it that is likely to be the end of their interest. In short, records management is necessary, but boring and a user's interest and buy-in cannot be assumed just because we as records managers say it is important. Finding ways of achieving what we need without inconveniencing the user is therefore critical.

What is our 'Unique Selling Point'?

The records manager could be described as being at the centre of a Venn diagram of disciplines that influence the management of records within an organisation. One circle is represented by 'IT', but we are not technical enough to be driving the direction of the IT industry and therefore to be fully 'inside the circle'. Another circle is represented by 'the law' but we do not have the depth of knowledge nor carry the professional gravitas of the corporate lawyer. Last of the inter-joined circles that shape the nature of records management is that of 'core business'. And yet we are not scientists nor engineers able to understand the intricacies of the drug development or car design processes which create the records we must manage. The records manager cannot hope to be expert in all three, or indeed in any one but he must endeavour to obtain sufficient knowledge of all three to be able to identify and articulate the concerns of any one of these circles of expertise to those of the other two in the pursuit of the goals of organisational efficiency and accountability.

My concern is that in recent years records managers have by and large failed to keep pace with technical developments (and in many cases seem to be actively running scared of them) and have only engaged with business processes to the degree

required to put together a business classification scheme. Perhaps the only area of the Venn diagram where we have kept pace is in relation to the law where many records managers now have a knowledge of the FOIA and DPA that exceeds that of many lawyers.

So does this picture mean that we have no USP, that we are the classic jack of all trades, but master of none. First it is worth saying that in this case being at the centre of this Venn diagram puts us in a unique and potentially powerful position and itself represents a considerable advantage to the organisation – providing we have the breadth of vision to take it all in, and the courage to ask awkward questions in pursuit of our objectives.

But I do also think that we have a professional USP that separates us from all other information management professionals which was not picked up by Chris Hurley and is required – whether they know it or not – by both the IT industry, the legal profession and core business specialists, and that is our skills in appraising the value of information and determining its retention requirements. Such skills are unique to archivists and records managers and are applicable to almost every process, project and person within an organisation. Appraisal and retention management lies at the heart of legal compliance, organisational efficiency, personal productivity, effective process management and digital preservation to name but a few areas. If there is a professional specialism that defines us, and us alone and that we should be claiming as our own then this is surely it.

Making records management invisible

Over the past few years the obsession of records managers with EDRM systems has done more to hold back the progress and development of records management than anything else.

The whole nature of these lumbering leviathans are a retrograde step which runs counter to the need identified by Chris Hurley to embed records management within business processes. Although many EDRM systems claim integration with the MS desktop, far fewer integrate with the line of business applications that are the true lifeblood of any organisation. Of course, the effective management of unstructured information is important, but ask any finance manager which he would choose to save in the event of a disaster – his finance system containing payroll data, lists of clients, invoices, budget lines, transactions etc, or the few documents and spreadsheets that are created along the way and I guarantee which he will take.

As I said at the outset, very few users are interested in records management and far fewer are willing to invest time fulfilling extra steps in a process just to fulfil the

needs of the records manager. If you don't believe me and don't have an EDRM system try turning the document properties function on in Word and see how long you leave it on! There is also such a thing as the 'law of small numbers'. It may only take each user an extra few seconds per document to add additional metadata to a document, or define its retention but multiply that by the number of documents created per user per day and the numbers soon stack up – assuming your users haven't found ways to by pass your system and store stuff locally that is.

Records managers must stop arrogantly assuming that our subject is king and that we can impose our will on the rights and behaviour of users simply because the needs of records management dictate that it must be so. Yes, we must have the interests of the organisation as a whole at our core, but we forget the individual user at our peril. Consideration of the 'user environment' is a critical, but often overlooked aspect of records management and dooms many projects – particularly EDRMS implementations – to failure.

The only way you can get a user to consistently and reliably contribute to the management of their records is if they don't know they are doing it. i.e. If the system is able to extract the metadata and management controls required by the records manager automatically, based on the function the user has just undertaken. And the only way it can do that is if the process and the user's role within it is well enough defined in the first place and if the line of business applications in use are able to facilitate the exchange not only of data, but of the management controls to be applied to it. Few organisations have achieved this, which is why, as Chris Hurley identifies, workflow technologies have yet to make the impact they should have done. But then again few organisations have successfully implemented an EDRMS. The difference is that the EDRMS is an evolutionary dead-end, where as the improvement of business processes and the application of records management controls to line of business applications is an approach which will realise benefits to the organisation far beyond information management. Moreover, this is an approach which enables the end-user to achieve what they get paid for without impediment and for the records manager to achieve the degree of control he requires to achieve his objectives in a consistent and accurate fashion.

What it relies upon is a shared understanding of end-to-end business processes, the mapping of information governance requirements to these processes and the technology and standards to enable the required degree of system integration and functionality to achieve it. Not by coincidence this encompasses all three circles of our Venn diagram with the records manager deliberately and conspicuously at its centre.

Max Beekhuis: Witness Statement

(Seminar 3: Who are the records managers?)

Managing records or managing organizations and work processes?

First of all I do have to make my starting points towards 'records and information management' (RIM) clear.

There are two ways of looking at RIM. The first, the most common I presume, is defining RIM as a way of *managing information* (=records). The records manager is occupied with the integrity, authenticity, accessibility and the reliability *of records*. All the records? No, for me it is a matter of risk management. The central question in risk management is whether or not you are 'in control'. Many risk models are used, more control books are written but at the end of the day the central questions remains are we in control and how are going to proof it? The solution is certainly not to keep al the records. Most control questions arise after some time. To keep all the records would lead to an explosion of information. Just like managing the risks it is necessary to manage the records. It is not relevant the have all the records related to a risk event, it's relevant to keep those records that makes a reconstruction of the main events prior to the occasion. All the activities of the records manager are focused on the records.

The second approach lies in *managing the function* of RIM. Here the focus lies not on the records but on how to *manage the organization and the work processes*. This is a totally different approach! The records manager occupied with managing the function of RIM is organising it in a way RIM gives value to the strategic questions of the organization. How do we keep stakeholders informed? How do we keep the shareholders satisfied? How do we satisfy our customers? How do we support our employees? This is in essence not a question of records but a subject related to financial, ICT, style of management, organisational views.

Records managers: control freaks or enablers?

The experience I have with records managers I can only be compared with my engagements with my teachers. In order to teach me different things they tried to control everything. The lessons, the timetables, my fellow students, the books, the learning procedures, the homework, etc. Records managers are control freaks as well. Their main occupation is to capture all the records available putting them in their systems nobody understands. The accessibility of the records is completely in their hands and it stays there. Their second focus is the appraisal of records and making inventories. Which is after all a funny thing: first you put all your efforts in getting records, after that you start to schedule them and what is left over is given away to an archive. In the Dutch government only 50% of the records are under the custody of

records managers. In most governments and firms there is only a thin line between the records managers, with their records, and the creators of the records. Most records and the most valuable records are kept by the creators themselves. Only by luck and force of time most of these records end in the basement. And here they are united with the other records by records managers.

It is not fair of me to make sick jokes about Dutch records managers. Most records managers are working hard, doing their best to facilitate the organisation and its employees. But most of the Dutch organisations have no idea about what the added value could be of well organised records management. Why not? I think there are two reasons for this.

First management is nowadays learning to think in terms of processes and chains instead of managing activities. Once this management style is common employees in the supporting areas will start to re-evaluate their support systems and procedures. It is my strong belief that records management as an essential function (not the common activities!) of process management will benefit from this.

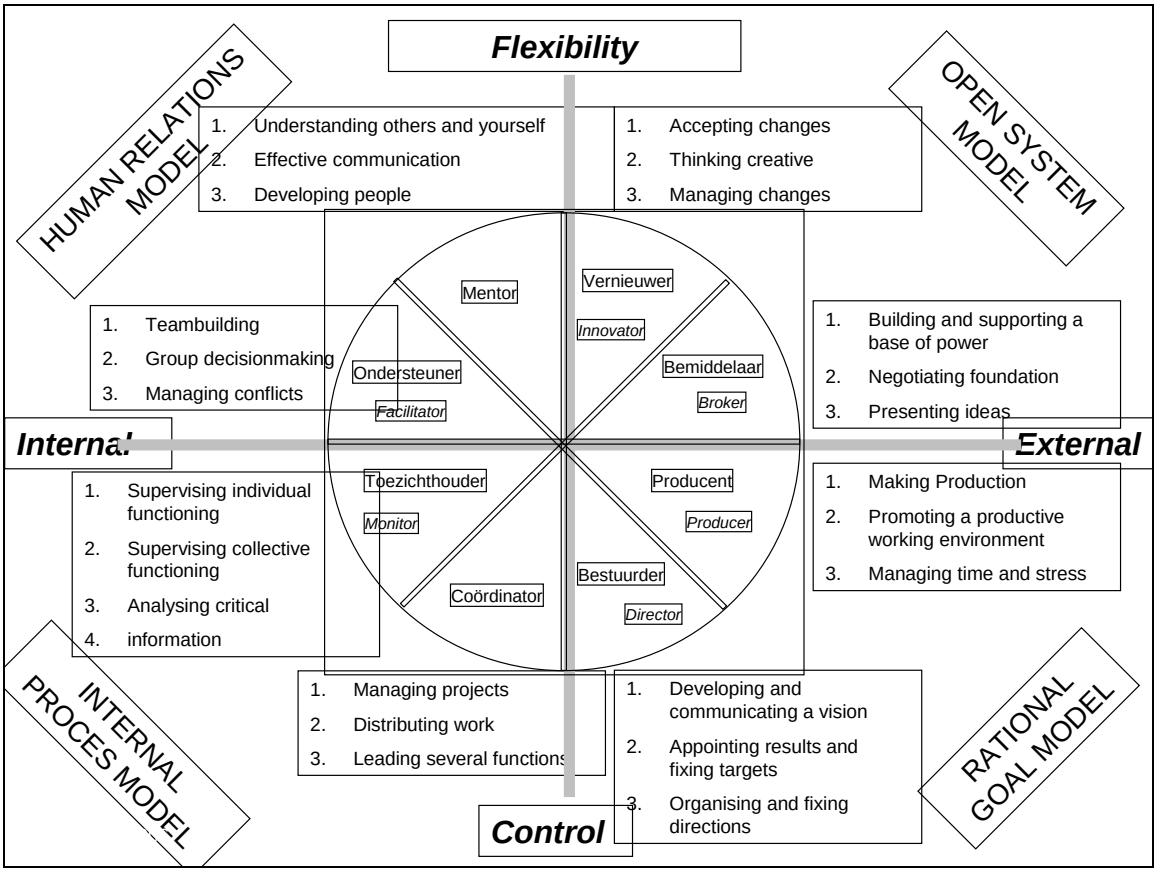
Secondly IT developments force organizations to think over again how they want to organise their work processes. Nowadays work is organised vertically, every process has its own support system. Consequence of this is that only vertical questions can be answered. To give an example the Dutch local government gives permissions to people to build small things next to their houses or to cut trees. For each permission there is a separate system, but due to this it is impossible to ask the question ‘how many and what permits did we give for one house or one owner’? Records management is also working alone the vertical lines each act of government is separately filed.

Today government has to answer horizontal questions like the question of "how many and what permits”. I think the solution is not to re-organise the work processes but the use of ‘smart’ IT solutions. Look at the possibilities of Microsoft Share point en Office 12. But not only Microsoft has smart solutions other companies as well. Their slogan is ‘Your specific problem is our general solution’. All work processes are supported by one system and what is more important all the work processes are designed is the same way. So instead of 900 different types of processes in Dutch local government we are left with not than 20 types of work processes. For records managers this development has a great impact. Their work shifts from records management towards guaranteeing the records management function in the new systems. This new systems are extremely focussed on the workflow it is necessary to look after the long term records management functions.

Conclusion

Records managers should be invited at the management table discussing matters on how to enable organisations in realising their goals. Records managers should be competent on process modulation, information policy, IT management and information maintenance. Only within the field of information maintenance they are supposed to manage records. I have serious doubts about the long term existence of records managers, I think they will be eaten up by IT and management consultants.

Accompanying slides



Records managers

Control freaks:

- Focused on records
- Use of 'old' methods
- Own world
- Looked at as costs
- Mainly a paper world

Enablers:

- Focused on processes
- Part of process redesign
- Integration with IT
- Focused on shareholder and stakeholder value
- Digital and paper world
- Part of quality program

Doxis, may 2006

Records managers services

Objects

	Compliance	**Efficiency**	**Effect**	**Employee satisfaction**
Design	(quick) scan		ISO 15489	organize and IT design
Operate		education		integration workflow
Maintenance	RIM			
Audit	certification	operation audit with RIM elements		
Upgrade			DOVE	

Doxis, may 2006

Clare Cowling: Witness Statement

(Seminar 3: Who are the records managers?)

Who are the records managers indeed? From this article it appears that anyone and everyone are encouraged to think of themselves as such. This situation is the inevitable consequence of the raised profile of compliance/disclosure risk and the explosion of e-information, which has left records managers stranded between the rock of still having to use our traditional skills to manage the continuing paper backlog and the hard place of having to keep up with, and pretend to be an expert on, all the changes in the information management world.

The article's premise is as follows:

- The drivers for records management have changed, as has the audience. Records managers must respond to these new drivers and change their ways of working and thinking to suit the perceptions of their audience or they will lose the battle to control records management.
- Everyone is leaping on the records and information management bandwagon but not all these "experts" have the required expertise to deal with the "records management" part of information, and/or do not even consider this to be important.
- Records management has, therefore, to move out of the custodial/back-office ghetto to cope with the information needs of the digital world.
- The evident need for records and information management (and note that suddenly RM has become RIM in the article) means that its profile and importance will be raised, but that traditional skills are devalued or become unnecessary in favour of new ways of tackling the work.
- Collaborative working in an enterprise culture (RIM rather than simply RM) is the way forward.

In fact "records managers" are a relatively new breed, in this country at least, where RM has always been handled by a plethora of different people e.g.

- In the days of paper: the Registry, the Records Store and the Archives staff.
- Once computers came along: all of the above (with the Registry gradually disappearing), plus the new breed of data controllers/ICT techies.
- Today: all of the above plus the knowledge managers, the information managers/librarians and the business analysts.

Where does that leave the "records manager"? Most of us came into existence in our current incarnation thanks to the Data Protection and Freedom of Information Acts. We came from a myriad of backgrounds, primarily archives and libraries, and we honed our professional skills (such as they were) and learned on the job by appraising records, creating records disposal schedules, classifying records, drafting guidelines and chucking paper files around. Some of us even had an RM qualification!

The article talks about consultants, ICT, business analysts, lawyers, systems integrators, storage firm managers all becoming involved in RIM – it seems anyone but a professionally qualified records manager will do! But who in fact manages records in most organisations? Which category does this article forget about?

It's the end user. Unless there are comprehensive electronic systems in place to manage all information and records (and few of us have those) management is left to the whims and personal ways of working of the end user. Some individuals may manage their mailboxes and documents with reasonable efficiency; some may be part of teams which have informal or written rules; some may be lucky enough to have to work within an e-system which sets process standards and runs day to day maintenance of documents and data (though it's not likely that there will be disposal rules). But as a rule the end user is left to get on with it. There's the problem.

We have to take control away from the end user and put it back where it belongs – in the hands of the persons in the organisation who have the expertise to manage the records and information created and used. As this article clearly states, it's not possible (was it ever?) for records managers to do it all, because information and records now come in such a myriad of formats and media, proliferate wildly and are difficult to distinguish. Collaboration is crucial – with ICT, the business analysts, the project managers, the records store managers, the information/knowledge managers. In turn they must understand and accept that:

a) The records managers have the expertise where records are concerned.
b) Records form a stratum of information, but are not just information – records have evidential and business elements which general "information" does not.

Is the message finally getting through? The message of this article is – maybe. What holds us up? In my opinion (and I think I may differ from the article) it is:

- The unnecessary and distracting distinction which is constantly being made between paper and electronic records, together with an assumption that the medium dictates the records management rules (how many of us have been

asked the question "How long should I keep e-mail?"). The endless stream of e-information retrieval and management tools and solutions further muddies the waters. Records managers have to stand firm against this tide and point out clearly and often that:

1. Format and medium are in the main irrelevant when deciding on the business or evidential value of information and records and;
2. No information management "solution" will work unless the basic records management work has been done up front i.e. the creation of rules which are followed by all users of the system.

- I would argue that the emphasis on information sharing/collaboration etc directs the focus away from the primary needs of an organisation. The bulk of records and information created and held at any given time is irrelevant to the majority of users in an organisation and/or of ephemeral value and should be removed from all systems as soon as possible. The primary focus should be on what is essential i.e. rules for creating the necessary documentation and accessing the relevant information needed to do the job, and to manage and retain both only for as long as is needed.
- I would further argue that the only way to properly manage core information is by going back to the traditional ways of managing records, which is precisely what electronic document and records systems do; an EDRMS is simply an e-registry. EDRMS work by applying the traditional records management skills of classifying, tracking, setting access permissions for and creating disposal rules to all the information which goes into the EDRMS, and – hopefully – by enforcing the process so that the ability to set (or not to set) individual rules for managing records is taken away from the user and put back where it belongs – with the records managers.

James Currall: Witness Statement

(Seminar 2: Is records management the management of risk?)

Introduction

In order to address the questions that are before us, I divide my pitch into three parts. The first is about records management, the second about risk and the risk continuum and finally I will draw some conclusions, which will I hope, get some of my fellow witnesses at least a little excited. Along the way, I will respond to Anthony Willis's thought provoking article, which although the starting point in this session, I will argue is not really about risk.

Records Management

Why manage records? Perhaps a strange question in the context of this gathering and not one that demands an answer at this point. At this stage I will simply assume that there are one or more very good reasons and pass swiftly on.

In any business activity there is an important trade-off between doing the business and leaving a record of what has been done in the name of the business. It is difficult to imagine any business activity leaving no trace, but leaving a trace that will satisfy all purposes for which it might be required is quite another thing. Leaving a good and reliable record of activity requires deliberate action and not inconsiderable effort, but how do we decide what action and how much effort. In short, how do we make this trade-off and decide where to draw the line in action and effort, so as not to consume more resources than are necessary?

Most people employed in any business activity will create (and probably manage) records and at this stage, I don't wish to pre-empt the later discussion as to what or who a records manager is, but if this is the case (s)he must be adding value in some other way than simply creating and looking after records. I would suggest then that if the discipline of records management is about anything, helping to guide decision-makers as to where to draw the line and make an appropriate trade-off must at least be an important part of it, otherwise it would look suspiciously like simply another overhead and perhaps even a drag on progress.

Anthony Willis's article would seem to suggest that it has quite a lot to do with; perhaps even being a vital component of; good corporate governance. He talks about 'due process', 'transparency', 'accountability', 'compliance', 'proper systems', 'legal obligations' and 'security'; which all sound very worthy, serious and important, but I would struggle to define any of them in strictly objective or absolute terms and would defy any of my witness colleagues so to do either.

Risk

It is high time that I started to address the questions, both explicit and implicit, laid before us in this session. Risk - what is it? I will start by saying something that I think that it is not. It is not simply a list of hazards or nasty things that might happen. A risk has at least three components: a contingency, a likelihood of that contingency and an impact should it come to pass. Risk operates in relation to a future time horizon, involves subjective judgments about the future and its analysis and management requires an openness to: uncertainty, change and innovation.

Key to all of this is uncertainty. Uncertainty of future actions, events, outcomes and value, which is the reason to take on the risk. Something that will happen under a particular set of circumstances is not a risk, it is simply an inevitable consequence because there is no uncertainty involved. Risk is about uncertain outcomes both unanticipated opportunities and problems but it is often presented purely in terms of anticipated problems. In life, if we are ever to achieve anything, we must take risks, leaps into the 'unknown'. It is this that enables us to make progress and permits innovation and business growth. It is required just to get out of bed in the morning ... and also to stay in bed. Risk-taking provides opportunity, allowing things to go right in new ways and in new directions allowing business to learn and improve. Risk-taking also exposes us to hazard, allowing things to go wrong and this is what many records managers seem to get hung-up on.

Compliance with regulation and legal obligations are the areas which are frequently cited by records managers as 'risk areas'. If you take the line that Anthony Willis takes, compliance is not an option it is simply a requirement from which there is no escape, he emphasises this by using the word 'ensure' repeatedly in his article. If you agree with him, then you are not talking about risk when you consider these matters, there is no uncertainty, just compulsion. However, you will recall that I laid down a challenge to provide objective and absolute bounds in such areas. To illustrate; raise your hand if you have driven a car in the last week (perhaps on your way here this morning). Now lower your hand if you did not knowingly break any law in relation to that driving activity. The result would seem to suggest that not everyone sees a strictly Willisian absolute in the laws relating to driving a motor vehicle. We are now in the territory of risk. You knowingly broke the law because of the uncertainty of outcome in relation to that contingency. You took the risk to gain a benefit or value and thought the risk of getting caught was acceptably low or that the result of getting caught was worth the benefit that you derived from failing to comply. We are now in the territory of trade-off. You go to the fun fair and scare yourself half to death on the roller coaster for the thrill of the ride, the chance to experience new opportunities, whilst exposing yourself to the small but finite chance that you will be killed or seriously injured.

Risk Management and The Risk Continuum

As a result of a handful of instances of decidedly questionable business practice, particularly in the United States, a rhetoric of zero tolerance of risk (and therefore in my terms not risk at all) has developed around a raft of new legislation that seeks to stamp out risk and impose a 'thou shalt' culture. This is all wrapped up in the language of audit - transparency, accountability and all the rest. Records management seems to me to be aligning itself with audit, about which more later. This is what Bill Sharon {Bill Sharon (2005) "Risk Management: what should be, what is and what could be", Portal Publishing Ltd. Seen at: http://www.continuitycentral.com/feature0231.htm} terms risk in relation to *'what should be'* and I might term hazard avoidance. This is all about risk in the negative sense and might be music to the ear of audit, but it is hardly likely to excite either operational management or business leaders, who are interested in the effectiveness and efficiency of operations on the one hand and driving the business forward on the other. In this mode, records managers are likely to intensify their feelings both of isolation and that senior managers don't listen to them.

Yes compliance with relevant regulation and relevant legislation is important, but these things are not absolute and it takes careful risk analysis and judgement to provide the organisation with useful advice on just how little effort it can get away with, so that resources are not channelled away from productive activity into non-value-bearing overheads. If we had more time, I could put up a pretty convincing argument that the University of Glasgow could employ *all* the resources at its disposal on complying with the Freedom of Information (Scotland) Act (2002) as interpreted by the Scottish Information Commissioner. If it did it would be a gross misuse of public funds and it would fail in its responsibilities in relation to teaching and research. The University senior management needs to trade-off expending resources in this area, with failing to deliver what the University is there for. The question is should records managers be helping them to do this as cost effectively as possible, accepting that this will entail a quantifiable risk of incurring the wrath of the SIC - that is risk management?

To be productive to the organisation, records management should be aiming to keep prevention to a minimum and to accept that attempts to impose high levels of control, where control is not absolutely necessary, entail considerable risks. I may have to keep my personal financial records for seven years in case the tax man wishes to see them, but if experience tells me that the likelihood of being asked for it is very low, I may well destroy much of it when moving to a smaller house.

Now let us look at a more positive aspect of risk, risk in relation to *'what is'* or operational risk. This is about dealing with uncertainty in relation to the day-to-day

work of the enterprise. Perhaps the most common engagement of records managers with this type of risk is in relation to the efficiency and effectiveness of finding information, but is this all there is to the relationship between record keeping and operations? I suspect that there are those that have made much greater inroads in helping to ensure that information serves the operational needs of their organisations. In this mode records managers are likely to have the ear of heads of operational departments, but we do have to bear in mind that we are again trading-off the amount of staff time and other resources that go into improving records management and the benefit (value again) that derives from the investment and helps to further the organisational strategic plan.

The emphasis here is on improving operational performance, on doing things better, but there is a cost to this and we need a high likelihood of benefit that outstrips the cost before we can justify the investment.

The most exciting area of risk is that which takes the business forward - risk in relation to *'what could be'* or business development risk. This is risk in a positive sense. I would love to hear examples of records managers being involved in this sort of risk management. I don't know if records managers were key to building the business models employed by Walmart and Dell, but it is clear that records management is key to both. In this mode records managers would certainly have the ear of the CEO and the Board. This is all about strategic advancement and moving the organisation forward. It requires an alignment with strategic objectives - where the organisation is going. It is enabling and a driver of change and would not leave the records manager feeling unlistened-to and unloved. With many organisations driven by information, enabling changes in the way that information is collected used and managed has tremendous potential and risk management of such development requires great skill. The risk trade-off here is all about bold initiatives that have the potential to deliver big benefits, but which need to have the risks of failure to deliver carefully managed and who better to manage these risks than those who understand information management - will it be records mangers or perhaps the IT folk?

Conclusions

We have seen that there are two ends of a continuum of risk. At the one end there is regulation based on known risks, which is a constraint on business and at the other there is development based on new risks which is an enabler of innovation and change.

If records managers hitch their wagon to risk management at the negative end of this continuum and align themselves with auditors, they are doomed to obscurity, unwanted and unloved by those leading business as well as those trying to do their jobs as effectively as possible on whom records management simply imposes

burdens. If hitching the wagon means being seen as a branch of audit it might be the death-knell of the RM profession - no-one loves the internal auditors unless they are helping the business succeed and too often they are seen as a brake on development and progress.

If records management can take risk management onto a level where it more concerned with operational and strategic success, helping their organisations to succeed then they could be riding high. The main problem that I see is that in many organisations, IT folk are already occupying much of this space, where they operate at all points along the risk continuum, helping in compliance, ensuring effective operations and enabling strategic advances. My colleagues in IT are very adept at formulating business cases for ensuring the continuity of current operations and also suggesting strategic investments to provide competitive advantage which might reasonably be expected to yield a good return on the investment. In carrying out such projects they employ effective models to manage risk and as a result have the ear of a wider range of people from those 'on the shop floor' through operational heads to senior management. In many ways IT has already claimed this territory in a much more positive and effective way. I might also add that whether or not they are fully competent to be able to deliver across the territory doesn't really matter IF THEY ARE PERCEIVED TO BE ABLE TO. What exactly is it that records managers can contribute in this scenario that adds value to the bottom line?

Michael Dunleavy: Witness Statement

(Seminar 2: Is Records Management the management of risk?)

If you are a "one eyed", old fashioned Records Manager, caught up in the "information fear factor" then yes – records and information management is solely about the management of risk.

This risk previously manifested itself through contractual wrangles, arguments about specifications or service level attainment, or knee jerk reactions to being sued. Now the risk maintains all these characteristics, but has the added teeth of the desire to achieve compliance and be seen to operate under sound corporate governance, not to mention the Data Protection Act and the Freedom of Information Act. The management of risk has become much more of a proactive role than a reactive role. So it is no wonder that any manager responsible for records and information management will feel that job 1 is the management of risk.

However, the management of records and information should be much more than just the gatekeeper to risk. Information is fun – yes fun! information is useful, information underpins any business process, information can make you money (private sector) or help you provide a service (public sector). Information is the lifeblood of any business and indeed any society and because of this, my belief is that records and information management IS about the management of risk, but it is also much, much more.

Turning to the management and relevance of risk initially, Iron Mountains Chairman and Chief Executive (Richard Reese) is the master of the sound bite, delivering such gems as:

"Records Management has moved out of the backroom and into the boardroom"

and

"Without any back up (data) there is no recovery"

Such quotes clearly indicate that in the modern age, and with the advent of major corporate scandals, the management of risk, or in other words, the desire to achieve compliance, is now often the number 1 priority of many global organisations. Mr. Wills writes about the 6 key requirements for good corporate governance, all 6 of these requirements can only be achieved through the deployment of and adherence to first class, consistent records and information management policies and procedures

e.g. minute meetings, apply document content management principles, referencing systems, document classification, document registry etc. Without any records there can be no governance. From personnel experience working for an American organisation I have been through the Sarbanes Oxley (SOX) audit process, the tentacles of these audits are far reaching and ones own records management systems are severely scrutinised.

The records and information management policies and procedures adopted by an organisation must include a robust, legal and enforceable records retention schedule for all formats of information i.e. physical and digital. In turn, the systems that underpin these policies and procedures must work (!); what is the point of having a world class records and information management programme if, when you need to, you cannot access all of the information you require no matter what format that information is being stored in. The "single pane of glass" approach to retrieving information and data mining that information will ensure that 100% of the relevant records can be found and / or be disclosed – thereby ensuring compliance and managing the risk.

Records and information managers almost have no choice or say in the matter, as already stated, the management of risk has to be job 1 for such individuals. However, to operate in such a one dimensional way will in no way serve the best interests of the organisation that individual works for. Organisations should make their information "work for them", information should be of value and should add value. Information should underpin the actual business processes of the organisations – else what is the point of the organisation existing! Records and information management processes should be built, implemented and constantly reviewed to ensure they fulfil the dual purpose of making the organisation run better, faster and more profitably while at the same time ensuring the organisation is compliant and operating without exposing itself to risk.

The really successful and sought after records and information managers are the ones that can seamlessly combine these two requirements and make them interchangeable and interdependent i.e. we do it this way, on this system, with this policy in place because it is fundamental to what we do as a business and it makes us compliant.

Peter Horsman: Witness Statement

(Seminar 1: Embedding records management into business processes)

Identity Crisis and Paradigm shift

"Records management isn't anything" Chris Hurley
(http://www.sims.monash.edu.au/research/rcrg/publications/ch-what.pdf)

Paradigm shift

Let me start with one of Hurley's statements, which I think is an essential one in his essay (page 10):

> *'If we had been able (in the paper-based world) to better integrate recordkeeping with business we should have done so, though it is possible that our theoretical understanding (until the methods based on that theory were invalidated by the IT revolution) would not have sustained such an approach.'*

There has been a time - in the Netherlands about one century ago - when records creation and recordkeeping were fully integrated in the business process. In those happy days, administrations were of a manageable size, employees had a limited power space, and control was carried out through strict business procedures. Employees knew how records were created, and didn't care too much about how they were kept. Records were just kept (or not), arranged and indexed according to business needs. Life in administration was simple and straightforward – at least so it looks from our now-a-days perspective.

However, bureaucracies grew bigger, and employees became increasingly specialists in a specific field of business. Records management became a separate organisational function, supporting the primary process, but developing its own rules to organise records in the best way possible, following rules set by an upcoming theory. Let me again quote Chris Hurley (2004, p. 9 and 10):

> *'To do our work, we did not need to know how records were made, only how they were kept…. We are accustomed to speak of business processes and recordkeeping processes as separate but interdependent things.'*

According to the second Law of Thermodynamics all systems tend to fall apart; no mechanism can be made to be close to perfect forever. The filing and classification systems, constructed in the beginning of the 20th century, do not meet anymore the needs of modern organisations. Technology is one river of change, but also changing responsibilities within organisations, societal changes, and may be first of all the

increasing flood of information to be processed. For decades records professionals tried hard to adapt their systems to continuously changing situations, and eventually seem to have failed. However, it may be too simple to assert that falling back on 19th century principles will solve the problem. It is not just a paradigm shift in records management. There is more at stake.

Loss of control

Records management, as it has developed, was one, central instrument to control the organisation. (J.A. Yates, 1989, *Control through communication. The rise of system in American Management*. Baltimore-London.) Not only stamps and letterheads, but the whole of creating and keeping records was centralised as much as possible. The growing of organisations made that kind of control increasingly difficult to maintain, information and communication technology has finally killed it – "when employees became users", says Hurley (2004, p5), and he continues: "Responsiveness to user needs brings flexibility, but makes it hard to achieve corporate control" (Hurley, 2004, p9.) Optimistically Hurley asserts "that the conflict between user flexibility and corporate control is largely illusory", Hurley (2004, p10) and the same is true for the distinction between information management, records management, and knowledge management. Records, knowledge, information; it all has the same form and is in one way or the other related to the business process. The difference between these disciplines is best postponed. (See Eric Ketelaar, 1997, 'The Difference Best Postponed?', *Archivaria*, 44, 142-148. In this article Ketelaar does not have directly the differences between information, records, and knowledge management in mind.}

Indeed, at the very heart of a new paradigm (what, if anything, is a paradigm shift?) is the focus on the business process, and the procedures associated with it. "However sophisticated the content of a process there has to be a routine, repetitive process before most of what is covered by business analysis can successfully function"(Hurley, 2004, p5.) To put it in other words: unstructured work does not exists.

Structuring business processes, and developing and maintaining procedures is not a records management function, and beyond the mandate of the records manager. The success of ancient recordkeeping was the discipline of keeping the procedure. As long as employees have full freedom in designing their own procedures, integration of recordkeeping in business processes will result in chaos. Therefore ISO 15489:3002, the standard for information- and records management does not constrain itself strictly to records management, but includes clauses for creating records. However, rules for organising business procedures is beyond its scope.

Business Redesign

Modern theories about designing recordkeeping systems include business process analysis. Australian DIRKS is only one example. The underlying idea is that recordkeeping follows business, but if it's true what I asserted above, good recordkeeping relies on discipline, business procedures, and rules for creating records. Only senior management has the power to (redesign) the whole business and to impose business rules to its employees; not because of records management needs, but because of business requirements.

If there is such a thing as a new paradigm, it might be rather on organisational design than on records management. Records are not created to keep recordkeepers happy, but to achieve business purposes. The same is true for all kind of recorded information. "What waxes and wanes is the business perception of the value of business rules and what changes is the implementation strategies" (Hurley, 2004, p7.)

"It is doubtful that we have gone far enough in re-engineering the methods which … support" business" (Hurley, 2004, p8.) Overmore, it is doubtful that records managers are able to convince senior management to redesign business. The current identity crisis in records management is not only because of technology, changing business, or whatsoever – much has to do with the records manager him/herself.

Luciana Duranti relates of Anam of Uruk in Mesopotamia, back in antiquity, who being elected king desired to keep his title of keeper of the records (Luciana Duranti, 'The Odyssea of the Records Managers', in: Tom Nesmith (ed), *Canadian Archival Studies and the Rediscovery of Provenance*. Metuchen-London, 1993, 29-60). In those days records were almost magic artefacts, as they have been for many centuries after. Gradually the profession of archivist and records manager lost its magic nature, as did records lose even their physicality. The old days will not turn back, neither those of King Anam, nor those of the times before the information revolution. The need for creating and keeping records is still extant, but the solution for the crisis of our days is more than merely a shift of records management paradigm.

Alastair Irons: Witness Statement

(Seminar 2: Is records management the management of risk?)

Response to Paper from a Computer Forensics Perspective

I'm not a records manager although I have many colleagues who do claim to be records managers. By profession I am a software engineer with interests in computer ethics and the impact of computers and IT on society. Over the years I have moved from a software engineer to educationalist and latterly a manager in education. In order to get back to my roots I have used my computing background to develop my understanding and expertise in computer forensics.

I am very happy to be here today – not only because I am able to explore with colleagues the relationship between computer forensics, records management corporate governance and risk, but also because my sister in law (my wife's twin) is getting married this afternoon and its best that I am well out of the way – indeed I've have tried to get Julie to involve me for the rest of the day but she has persuaded me that the dog house that I would find myself in is not worth it !!

Reading the Article

I approached the article from a computer forensics perspective thinking about how a) I might be able to apply computer forensics principled and tools to the material presented and b) how corporate governance might be enhanced by the application of computer forensics.

In many respects computer forensics is reactive, i.e. when something has happened in a digital environment we can apply computer forensics principles to find out what has happened and who carried out any digital activities through an analysis of the cybertrail. However, having computer forensics principles in place can address some of the requirements of corporate governance in terms of due diligence, taking appropriate protective steps, helping recovery and maintenance as well as in risk management.

In the majority of computer forensics activity there is a problem which needs to be analysed or a case which needs to be resolved, however it is also important to think about the wider application of computer forensics principles and in reading this paper I found myself thinking about how corporate governance could be enhanced by using computer forensics.

When I first got involved with computer forensics I thought it was about looking for a needle in a haystack. I soon changed my mind to thinking it was like looking for a

needle in a field of haystacks. I have recently changed my mind again and now believe it is like looking for a needle in a field of haystacks but those haystacks are made of needles.

Brief introduction to computer forensics

Computer forensics is the scientific examination and analysis of data held on or retrieved from computers and computer storage media for the purposes of presentation in a court of law. It covers the identification, preservation, recovery and analysis of digital evidence in resolving computer crime and instances of computer misuse.

Computer forensics is the generic name for the analysis and reporting of findings from the forensic analysis of all computer or digital-related media. This not only includes PC/Laptop or Server hard drives but also other storage devices such as USB drives, MP3 players, memory cards, digital phones, digital cameras, embedded systems and data gathered via network analysis. Although digital data and digital records are potentially vulnerable because of the nature of digitalisation – the fact that data and records are digital allows for a cybertrail to be followed. If a record has been accessed, changed or deleted computer forensics techniques allow for a forensic analysis of all transactions.

Even when miscreants – we tend to call them perpetrators – try to cover their tracks they still often leave bits (pardon the pun) of digital evidence behind them. Locard's Exchange Principle – "anyone or anything entering a crime scene both takes something of the scene with them and leaves something of themselves behind when they leave" can be applied in digital forensic analysis. Trails of digital evidence are left behind, often without the knowledge of the computer criminal.

If data is stored digitally then it can be imaged and analysed using Computer Forensics techniques and tools. Digital evidence can be used to show that a crime has been committed, identify suspects, defend innocent parties, or help understand the motives and intent of individuals. When the management of information is computerised there is an increase in the vulnerability of that information and an increase in the opportunity that the information may be subject to some form of unauthorised access, computer misuse or computer crime.

Computer crime is growing at an exponential rate – computer crime comes in many guises including crime against organisations – such as sabotage of data or networks, virus attacks, financial fraud, theft of proprietary information, denial of service, unauthorised website access / misuse. But also against individuals such as - Cyber-

stalking, e-mail issues (phishing, flaming, defamation, harassment), access to personal data (identity theft), manipulation and / or loss of data, economic theft.

Computer forensics is much more than turning on a computer, making a directory listing and searching through files. There are rigorous processes and procedures which need to be followed. It is very easy to 'contaminate' a suspicious situation by 'looking to see what's wrong'. In the UK, the procedures for the collection of evidence are defined in the Association of Chief Police Officers (ACPO) Good Practice Guide for Computer Based Evidence (2003) the ACPO principles are:

- No action taken by law enforcement agencies or their agents should change data held on a computer or storage media which may be relied on in court;

- In exceptional circumstances, where a person finds it necessary to access original data held on a computer or storage media, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions;

- An audit trail or other record of all processes applied to computer based electronic evidence should be created and preserved. An independent 3rd party should be able to examine those processes and achieve the same result;

- The person in charge of the investigation (the case officer) has overall responsibility for ensuring that the law and the ACPO principles are adhered to.

In any computer forensics investigation it is important that both evidential integrity and evidential continuity (i.e. the chain of custody or chain of evidence) are maintained.

Evidential Integrity requires that the material being examined is not changed in any way. What is examined must be an exact copy of the original.

Continuity of Evidence refers to the means used to vouch for the actions that have taken place regarding the item under examination. This covers the seizure, handling and storage of equipment and copies

Computer forensics and corporate governance

The principles of computer forensics can be employed in corporate governance contexts in order to monitor the integrity, authenticity, reliability and completeness

of records and support the structural, operational and maintenance components of corporate governance. The tools of computer forensics can be used to investigate computer records, for example to determine when records have been accessed, if they have been changed or to determine the logical location of the intrusion. The difference between the need for computer forensics and the existing tools of records management is that computer forensic tools are required when the perpetrators of the unauthorised access attempt to hide or cover their trail.

Computer forensics can help in carrying out the functions of corporate governance by fostering ethical behaviour in the management of data and information, ensuring compliance with corporate legislation, encouraging business efficiency and helping when potential disasters take place. Business performance can be enhanced by use of computer forensics tools in that any breaches of security can be discovered and corruptions of data can be recovered and / or restored.

Computer forensics can contribute to the issues raised in Willis' paper in terms of:

Transparency – application of ACPO regulations and standards for example;

Accountability – use of computer forensics tools can indicate who has done what to records and when they did it;

Due process – computer forensics can be used to determine cybertrails and analyse digital evidence – which in turn can be used as evidence in cases indicating levels of guilt or indeed levels of innocence. The use of clearly specified procedures helps in ensuring due process;

Rule compliance – having in place computer forensics principles and the related processes of computer security then corporate governance structures and compliance with rules can be enhanced.

Information about records management – computer forensics analysis of records management can indicate any deviations from the norm. If miscreants attempt to bypass the Sarbanes-Oxley Act regulations then the tools of computer forensics can be used to determine what attempted "cover ups" have taken place.

Security of information – the expectation that personal and corporate information is secure can certainly be enhanced by computer forensics principles – firstly computer forensics acts as a deterrent to potential misdemeanours and secondly the principles and tools allow for recovery of deleted files and records.

Consideration of computer forensics processes and procedures in an organisational setting can enhance the provision of systems in terms of the robustness of systems, the verification and validation of records and the information gathered about the information. The processes and procedures can be applied to standalone and to networked systems and also to computer peripherals.

Gary Johnston: Witness Statement

(Seminar 1: Embedding records management into business processes)

When I looked at the topic it, somewhat strangely, brought a previous incarnation to mind: I'm sure you all remember the millennium bug, I spent some time Y2K testing on embedded systems. Embedded systems are in fire alarms, they're in burglar alarms, they make the air conditioning work, they manage the engine in your car and the timer on your microwave - they are those things that you don't know are there, but just get quietly on with their job.

Which brings me onto embedded records management. Any discussion on embedding records management into business processes has to start with the recognition that people are not employed to create records, let alone employed to manage records, except a select few of us! We should also recognise that records management is a support service, it is meant to be invisible and non-intrusive, something that happens, just like our embedded systems

I would like to mention two points at this stage. Firstly, people are employed to carry out specific tasks or activities, and I use the word 'activity' deliberately. As a result of them carrying out those activities, records may or may not be created; not all activities have an informational output. But mostly they do; so, people carry out an activity and as a result of that activity taking place a record is created. The record provides the evidence that the activity was carried out, which is what records are all about, providing the evidence that an activity has taken place.

Secondly, classification schemes are common within records management and most records managers are familiar with structural and functional classifications. Functional classification schemes are based on the functions and activities that an organisation carries out. A functional classification means that people don't have to know if what they are creating is a record or not.

If we add these two concepts together, a recognition that records are created as a result of activities and that the records should be classified according to the activity that created them, then we have taken the first steps towards embedding records management into business processes.

If it is as simple as I claim, why are we discussing it, why isn't it being done everywhere? Many people will claim that building a functional classification scheme is too complex to do, the National Archive is backing away from specifying that government departments should use a functional scheme. Also people say that nobody likes to use a functional scheme. I refute both points.

A functional classification isn't easy to build, but it is possible. You can't impose a functional scheme or build a functional classification for someone. My own favourite description is that "You can't do it TO an organisation, you can't even do it FOR an organisation, you can only do it WITH an organisation".

You have to use functions that people recognise; you have to use the words that are meaningful to people, you have to use a vocabulary that people understand. Functions are things that are done and should use verbs, strong verbs to describe them. Activities are the same, they're things that people do and should be described using strong verbs

If you don't involve people and if you don't use the right language it won't work. If you don't use strong verbs you'll end up with a structural scheme by accident, which is what the Local Government Group of the RMS have done. Ask a committee to design a horse and you'll get a camel.

Do we have the tools now to allow this to happen? Probably, at the moment however, we are application led and not activity led. By this I mean that when we want to do some work, we start an application, such as MS Word or MS Excel and then put the resulting document somewhere, maybe in an EDRMS, maybe on a network drive, surprisingly often on a C:\ drive.

Whilst workflow exists, and has done for a while now, it is often used within Document Imaging, and not nearly often enough for born digital records. Instead of double clicking on a MS Word icon on our desktop, we should double click on an icon that starts a workflow that emulates a business process. That workflow should present us with the correct template for that piece of work. It should move the record along the process and eventually put it into the classification scheme.

So in conclusion, I believe that we as records managers shouldn't be just trying to embed records management into business processes, but that we are failing in our jobs if we don't; it can't work any other way. But until we reverse application led IT and become activity led, records and therefore records management will never be truly embedded into business processes.

Victoria Lemieux: Witness Statement

(Seminar 2: Is records management the management of risk?)

Anthony Willis' article, the starting point for our debate, explores the relationship between corporate governance and information and records management. Willis argues, citing such examples as the case of British American Tobacco, that "management of information and keeping of good, accurate and complete records is one of the cornerstones of effective corporate governance." He goes on to note that sound information and records management delivers transparency that is key to effective corporate governance. Willis' claim is supported by my own research and professional experience.

So, where does risk fit into the relationship between corporate governance and information and records management? Willis' article provides some insight into this question. He notes that a key component of effective corporate governance is risk management.

In addition to the Australian standard on corporate governance that Willis cites, further evidence of the link between corporate governance and risk management can be found in the framework adopted by the Public Companies Accounting Oversight Board, the body established under the Sarbanes-Oxley Act to oversee the auditors of public companies. Section 404(a) of the Act and the SEC's related implementing rules require the management of a public company to assess the effectiveness of the company's internal control over financial reporting. The COSO Internal Control – Integrated Framework and its successor document, Enterprise Risk Management – Integrated Framework provide the recognised framework for Section 404 assessments. As information and records management supports effective corporate governance, and risk management is an important element of corporate governance frameworks, such as the Australian standard and the COSO documents, it follows that information and records management also supports effective risk management.

Willis' article also highlights examples of when ineffective management of information and records has given rise to a risk. This begs the question, "What is a risk?" I would like to suggest that risk arises when a threat (e.g., an event, such as a disaster, or a person with malicious intent) exploits a vulnerability (e.g., some weakness in a system, such as poor access control) that causes some kind of harm to an organisation. In the case of British American Tobacco, that threat came from negligence proceedings that exposed a vulnerability – a corporate document retention policy that allowed the destruction of records relevant to legal proceedings – and gave rise to legal, financial and reputation risk. The number and complexity of laws, regulations and legal proceedings requiring the submission of records and

information coupled with increasing complexity of information and records systems in the electronic environment provide ample opportunity for risks to arise. This gives us another point of linkage between information and records management and risk management, since effective management of information and records management serves to mitigate some types of risks.

There is a third aspect to the relationship between records and information management and risk, I would argue. Organisations must comply with an increasing amount of regulation in the global business environment. Compliance costs are increasing, so organizations must look for ways to comply whilst keeping the cost of compliance at a minimum. Striking this delicate balance increasingly entails assessing risks against rewards. In addition, the laws and regulations of one jurisdiction can conflict with those in another jurisdiction. Organizations must assess the risks of complying with the laws and regulations in one jurisdiction when to do so raises the spectre of flouting the laws of another jurisdiction. Under these circumstances, there exists no simple compliance formula. This is as true of records and information-related risks as it is true of other areas of business risk. For example, Sarbanes-Oxley Act requirements to establish whistle-blower hotlines directly conflict with French privacy laws creating a compliance conundrum for any business that has a footprint in both jurisdictions. Effective management of records and information risks often is the only way forward is such a difficult and complex business environment.

In conclusion, corporate governance, risk management and records and information management overlap and, increasingly, are intertwined. Risk management is a key element of corporate governance, and records and information management supports the attainment of both effective risk management and corporate governance. At the same time, however, increasing public demand for good corporate governance has given rise to a compliance culture that has both spawned a rise in the number of records and information-related risks and created a situation where total compliance is virtually impossible, if not undesirable, due to conflicting regulations and objectives. In such an environment, risk management is the best, if not the only, way to strike an appropriate balance.

I would not go so far as to say that records and information management is the management of risk, however. Risk management is about identifying, classifying, measuring, and mitigating all types of organizational risks, not just those relating to records and information. Equally, records and information management is wider than risk management; it can be used to mitigate risk but often has a broader corporate remit as well. So, whilst risk management and records and information management share many points of intersection, I would argue they do not converge - yet.

Ian McEwen: Witness Statement

(Seminar 3: Who are the records managers?)

My comments are personal and are based on my experience of government RIM.

The Cabinet Office paper "Transformational Government – Enabled by Technology" stated "Many systems and processes [in government] are still paper-based and staff intensive" (Cabinet Office, (2005), *Transformational government: Enabled by technology,* http://www.cio.gov.uk/transformational_government/strategy/index.asp). Basically, IT has been grafted onto Dickensian paper-based processes.

This is in an environment where nearly all written communications is via e-mail, documents are invariably typed on word processors and external information, such as CCTV, voice and photographic images are moving rapidly to digital format.

We have the absurd situation where most information nowadays is created digitally and then converted to paper format to enter the formal government process.

IT systems have either been developed on rigid, structured relational databases and therefore can not handle the complex information essential for government, or have been implemented as "personal productivity tools", with little or no consideration for corporate efficiency and effectiveness, sharing and collaboration. Historically, the RIM profession has only been there at the end of the process, capturing vital paper records in a repository and indexing them.

There are many examples of electronic records management projects whose aim has been to emulate the existing paper records management process. These projects have failed to deliver expected benefits, either because the processes are still paper based, and that is what people are comfortable with (in the case of the Criminal Justice System, paper is perceived as having greater evidential weight), or because it is too difficult to transfer records from their personally productivity environment into the corporate repository.

IT departments have not helped as their application-centric paradigm has created a sea of islands, disconnected systems based on incompatible technologies, designed to solve a very specific need that was relevant at the time and is now too difficult to change because of the rigid structured database architecture. Unfortunately this thinking is now generating silo applications with EDRM technology embedded within it. How many organisations have multiple incompatible "Enterprise" Content Management systems?

The challenge for the RIM profession is to come out of the archives and to lead change. Moving the business toward electronic records means getting involved in the business processes and talking to the people who create, capture and use information in their day-to-day work. The RIM professional must feel as comfortable with the business processes as with the records management process. The RIM professional needs a unique and broad set of skills to meet the challenge, an understanding of standards and how to apply them, for example BIP0008, business process skills, marketing and communications as well as the legal framework and principles of digital information technology. Fundamentally the RIM professional must get into the business, learn how to speak their language and provide practical and innovative ideas to improve business performance.

[1] The complete paragraph in *Transformational Government – Enabled by Technology* is: "Many systems and processes are still paper-based and staff-intensive. The underlying assumption is that customers will fill in forms and that staff will process them by routine rather than by risk-managed exception. Telephone access, customer access over the web and other improvements have sometimes been grafted onto this base. This locks in high costs and difficulty in meeting changing customer or policy requirements. Choice is costly and slow to implement."

Peter McKinney: Witness Statement

(Seminar 3: Who are the records managers?)

First, I should explain that these thoughts are given not by a records management expert, but rather as a user and creator of records. The thoughts are in a rhetorical rather than definite form, as I can only make comment and suggestion from my own experience from everyday work, conversations and reading, not the actual practice of being a records manager (although I would contend that I have managed records relatively successfully in some of my work positions). Please also forgive me if my language is not that of a records manager and does not reflect the common lexicon.

Second, my perspective at the moment is comes from that of finding, describing and communicating value. In particular value to organisations in order to make successful business cases. This has a large bearing on what follows and will perhaps stray away from what may be seen as the remit of records management. However, as a 'beneficiary' of the work of Records Managers there are some interesting angles that come from thinking in terms of value and benefit, rather than risk and compliance.

It is obvious that to survive in any type of business, the work that you do must bring value to someone – be it a manager, a stakeholder or customer. This is the way that all employees should work. 'Why doesn't senior management give me adequate resources to do my job?' seems to be a common refrain (and not just from records managers or information professionals). The answer is one of two choices: 1. The value to the organisation of the work has not been communicated properly – that is, there is a gap between your understanding of what your value is and your boss's assessment; or 2. Senior management fully understand your work and its values but still think that it is of little benefit to the organisation.

As an initial thought to the paper 'Catalyst or Cataclysm' my initial reaction was '…and?'. The major thrust of the paper is that change is here, be it technological change or a change in priorities, it is happening and that The Profession has to see it as a positive challenge and an opportunity to change for good. This seems to make sense to me. What makes slightly less sense is that the article suggests that RMs have been ousted by IT professionals and lawyers all keen to get their hands on the records. Is it really like that? Why would IT professional and lawyers really want to take charge of the records? Are they malicious, records thieves who only want the records for their own ends? Or are they having to fill a gap where they think there is one? Is this down to a lack of visibility through mis- or non-communication? This issue of communication, certainly from my angle, is one that is played out regularly between IT professionals and information professionals – two groups with their very own languages will rarely understand each other.

As a user, I will be flippant and say I do not care who the records managers are – as long as they are good at their job. Now, this takes records management away from being a "profession" to being a "job position". What's the difference? A job position is one that is created and described by the organisation that needs a job done. If it is seen as a profession, the records manager can almost fill out their own job description. The organisation thinks (as I infer from the article) 'I need a records manager. I'm not exactly sure what they do, but apparently I need one because I need to comply'.

This is very stark and harsh, but it links strongly with what I see as a good records manager. That person is someone who can aid me in a number of ways. In my role as a *creator* I need them to guide me in regulations that need to be complied with, tell me when I need to destroy, to keep or to pass on. As a *user* I need them to help me find stuff (not just my own stuff, but stuff from all over the organisation), and not let me find stuff when I shouldn't find stuff (wrong versions, secured records, etc.). As both a user and creator I do have not time for turf wars. I do not want to have to deal with three different 'sections' or departments in my work day (I guess this could be 'business process'), what I need is a seamless way of doing and getting what I need. In fact, what I would really like is someone who can come in and give me more benefits in what I do by showing me new methods, new uses, etc. (the concept of my own role in the records management continuum or lifecycle, is not one that as a user I need to understand, nor should I be adversely affected by). This is the type of person I want as a records manager.

Does it therefore matter to me whether it is an IT professional or records manager that helps me? Of course, the answer today, in this conference, will be 'yes, it does matter' (if it was not I guess I would be slightly worried). IT professionals do not know the ins and outs of legislation and compliance and classification and retention and ISO15489 (as the article outlines). But my point is this, is RM fully aligned to the organisation, or is it aligned more to satisfying the profession (or professional pride)? Is it the case that records managers are records managers first, and employees of an organisation second? That is, is the value to the organisation coming second? The real irony of this paper is contained in the article for this session. I am the 'pundit' they refer to (indeed I am not even sure I am good enough to qualify as a 'pundit'), who is oversimplifying. My final point is a simplification: communication and value are key. If records managers can demonstrate value to an organisation then the place of RM is assured and records managers will be sought out for their expertise.

If the value is not, or cannot be demonstrated (and these are two very different things) then there will be no place for records managers, or there will be a very

changed role for them – lawyers will do enough for what they require and IT professionals will build systems that they want to build. In summation, the organisation will go for the records management vision that offers them the best value and benefits, with little consideration of who is actually doing it.

Frank Rankin: Witness Statement

(Seminar 3: Who are the records managers?)

Perhaps records managers belong among those professions - alongside lawyers and social workers - which would simply not exist in an ideal world. In that Eden, everyone would take care to create and keep appropriate and accurate records in support of all their everyday business activities. They would keep them just as long as necessary and in a reliable, sustainable and retrievable way. It isn't rocket science after all.

But experience tells us that organisations and individuals continue to make fundamental errors in record-keeping without clear policies, guidance and policing. Records management is here to stay in one form or another.

The paper 'Catalyst or Cataclysm' emphasises the shift in the record-keeping authority to those with legal oversight. and a move away from concerns of litigation to those of compliance. The author foresees changes 'ending the image of RIM as a custodial function' and competition from legal and ICT colleagues with a focus on business process and open-ended retention. But the RIM community has always had to fight for awareness and influence. The very fact that RIM is now on the agenda of lawyers and technologists is a significant advance. We should have the confidence to step in and tell them when they get it wrong, and to be open to learn from them as well.

ERM also represents a potential democratisation (or 'Balkanisation' as Alistair Tough has it) of the RM function, by devolving many record-keeping tasks and responsibilities to the desktops of individual users. ERM allows a choice of model for RIM within an organisation. The act of record-keeping could be heavily controlled and centralized, or dramatically democratized and devolved to individual users working within pre-defined policies and procedures. Everyone a records manager.

At the same time, involvement of Records Managers in the early stages of the design and specification of electronic document, record and content management (EDM, ERM and ECM) systems, whether with the vendors and the software industry or at the organisational level, offers the potential to build in key RIM principles from the outset which are then in place for the life of the system. In the UK, The National Archives has positively influenced the ERM software market.

EDRMS simultaneously pushes record-keeping responsibilities into the hands and desktops of colleagues all across the organisation and gives unprecedented tools for applying effective records management automatically across a corporate system.

The greatest opportunities for the RIM community lie in high-level advocacy with the ICT and corporate legal communities, rather than local competition. In the final analysis, it should not matter whether oversight of records lies with ICT professionals, lawyers, auditors, everyone or RMers - as long as it works. Who knows, some day we may be able to do ourselves out of our jobs.

Barbara Reed: Witness Statement

(Seminar 1: Embedding records management into business processes)

Introduction

Chris Hurley's paper is a discursive narrative of personal experiences reflecting fundamental changes in records management in one person's working life, focussing on three themes:

- Technological change
- Change in the way business is done
- Change in the way records management is done.

The focus of this session is 'Embedding records management into business process' and reflects a strong orientation and push in the Australian recordkeeping world. What follows are reasonably random thoughts provoked by the paper.

Keeping with the historical theme introduced by Chris in his paper, this is not a new approach. This is, in fact an approach with solid historical precedent. The paper based registration systems from the C19 are in fact proto-workflow systems. They registered, documented and routed the receipt of business transactions throughout the business. They documented the flow of work through an organisation – often this wasn't always explicit, but rather implicit – you might need to know who belonged to the initials signing off that they had actioned something or approved an action. But the inextricable link between the business and the documentation of that business was absolute. So well was this understood that working in the registry was often the induction to the organisation – from there you learned the structure and functions of the organisation, who did what and how the work was conducted. Even in my working life, I've met with CEOs who started out in the registry.

With the passage of time, the labour intensive processes associated with such systems became unwieldy and unsustainable, leading to the evolution of groupings roughly translated into 'files' which were 'self indexing' at the document level. The classification processes both speeded things up in terms of process, but also introduced some muddy concepts of subject like groupings.

I raise this point, not to look back with nostalgia with things gone by, but to recognise that the past can teach us valuable lessons, from which we can choose the things of continuing relevance, and discard the specifics determined by media.

Why refocus on business?

One of my very early experiences as a consultant was to go into a government organisation after some accountability problems to check the recordkeeping implications (and there are always recordkeeping implications in accountability crises!). There I found a terrific records system. It was beautifully run, staffed by trained people and adhering to the best practices of the day. The problem was, it wasn't capturing or managing the stuff that was the bread and butter of the organisation – the transactional records which were the reason for the organisation existing.

And this story resonates still. Just recently, a review of our Immigration Department (DIMIA) following some particularly appalling treatment of mentally ill detainees, concluded (amongst other things):

> 'To achieve best practice, DIMIA should aim to build systematic recordkeeping into business processes and systems, seamlessly integrating recordkeeping into work practices and, as much as possible, making it a routine part of business operations.' (Recordkeeping in DIMIA: A Strategic Review', National Archives of Australia, Feb 2006. www.immi.gov.au/department/dima_improvements/_pdf/naa/Recordkeeping_in_DIMIA.pdf)

Records operations, working in isolation to the business, will be managing the wrong stuff, or at best, incomplete stuff. They won't be serving the interests of the organisation played out with whatever spin – risk management, compliance, governance etc.

As technology is entrenched in business as conducted today, many many different and often incompatible business systems are deployed – some 'bespoke' or developed specifically to meet a particular business need, some generic to specific functions – e.g. packages to support human resource management. Records are created in every system. They are part of the way work is done. Our records software applications however, generally don't at the moment capture records except perhaps from those common office packages. We're not capturing the records of the business – we're capturing some of the records of the business and probably not those which carry the most corporate burdens of risk, compliance requirements and the like.

Refocusing on the basics - Context

So are we wrongly positioned where we are? Well, no I think we had to have a period of introspection, and of focussing on what we add to the information discipline spectrum. I'm very closely aligned to Chris's thinking on the importance

of understanding the specific skills and knowledge that we can bring to bear as part of a multi-disciplinary approach to information management.

Chris defines records in this paper as 'documentation linked to some circumstance or event in a meaningful way'. To use the famous words of Paul Saffo 'it's the context, stupid' (Paul Saffo 'It's the Context, Stupid' Wired Issue 2.03, March 1994 http://www.wired.com/wired.archive/2.03/context_pr.html). And context is increasingly important in all information disciplines – witness the recent announcement from IBM:

> IBM announced a new program of products and services aimed at realizing the value of information by improving enterprises' ability to deliver it in a business context. The program focuses heavily on integration infrastructure and analytics, industry models, Centers of Excellence, and more dedicated consulting staff. The company stated it would invest over $1B in the next three years, and dedicate 25,000 consultants to the effort. As part of this program, IBM announced the availability of IBM Websphere Information Server, a new software offering.
>
> 'IBM is announcing six new solution portfolios and new software products to help clients transform their businesses from an outdated model in which data is managed as an afterthought from within applications, to an environment in which information is set free and managed as a strategic asset and to drive better decision making. IBM is also introducing step-by-step assessment tools and a new center of excellence to help clients quickly assess and tackle their individual information requirements.'

Actually, in recordkeeping (both archives and records management), we have always been context managers – because, to use the famous 'Well done' example, content doesn't tell us what the meaning or the significance of the particular instance of the use of this phrase means. (For a fuller explanation of this example, see Barbara Reed 'Appraisal and Disposal' pp.185-87 in *Keeping Archives* 2nd edition, Thorpe in association with the Australian Society of Archivists Inc, Melbourne, 1993). It's only by the context that we can know what something means. But that's the interpretation after the event. What we are about in today's electronic recordkeeping is to capture the context accurately as it happens – the sheer volume of material makes it impossible to retrospectively do this. This is both the alluring promise of alignment with functional classification, and business process or work process analysis. However, I would also argue that our current practices are still in the grouping paradigm of paper files, where we should be working at a much lower level of granularity of grouping – the transaction sequence, or redefining the file to reflect transactional groups, rather than subject-ish groupings.

I recently outraged some of my Australian colleagues by saying that classification in recordkeeping was not about searching, but rather about lodging an object into the context of its creation to ensure its authenticity and reliability. I thought it was quite a mild statement, so I was somewhat shocked by the response I got. Searching is important, of course, and we all want to be able to reuse content, but for recordkeepers, that is not the primary responsibility. Our primary responsibility is to ensure that the characteristics of records are captured and maintained in accessible forms over time.

Focussing our message therefore seems of critical value. But once we've achieved that coherence, we need to accept that our disciplinary skills, important and valid though they are, are but one of the skill sets needed to manage information in today's organisation.

Moving beyond records centric

We are actively engaged in rewriting our own Australian records management standard to be business centric, not records centric, which is the current status of our standards documents. And it was a necessary approach, a unifying approach defining a specific disciplinary practice. In many ways, despite its format neutrality, the existing standard (ISO 15489) reflects both the profession building status, identifying what we have to protect, as well as still maintaining records as things to be managed exclusive or outside of business. Having achieved this, however, we now need to be able to rethink the way we deliver recordkeeping processes into technology systems which are volatile, dynamic and constantly changing. This is essential, as the value of the data in the systems – the investment in the contents of systems, rather than in the systems themselves, is finally making sustainability a critical business issue.

Reading the technology

No one can predictably guess the future of technology and its application in the workplace. The speed of change to the workplace over a period of 15 years has been staggering when one pauses to look back. But we need to be constantly reassessing where records functionality can be delivered and how it can be delivered in new and emerging technologies. We need to be able to take strategic punts, well informed by reality and with clear paths to future options.

At the moment technology is looking good for us, if we can grab the opportunities. And we are reasonably well placed. Since the 1990s there have been futuristic visions of how we might achieve a better recordkeeping outcome. John MacDonald in 1994 (*Playing for Keeps*, organised by the Australian Archives and held in Canberra on 8-10 November 1994, and the *Electronic Recordkeeping Systems Best*

Practice seminars, held in Melbourne and again in Sydney the following week, organised by Monash University and the University of New South Wales respectively) was envisioning a desktop realigned to deliver activities with technologies connected underneath the process steps to achieve that activity. The promise of workflow software to deliver such realignment away from disconnected specific applications didn't ever quite come to realise its promise. Now we are presented with service oriented architectures and web service paradigms which offer us another very powerful way of reconceptualising how we deliver records functionality. And we are well placed with emerging metadata specifications for records, to take advantage of the frameworks.

Web service mechanisms allow us to deploy components of records functionality – for example, the group of mini processes associated with records capture – in ways that are not bound to one system, one application or one technology. The web service lives independently and invoked as required in a process which can itself be defined separately to the applications sitting underneath. This type of technology is enabling records to be captured from existing legacy systems and deposited in specific applications with recordkeeping functionality, without having to reengineer the basic applications on which businesses run. In the next few years this will be the major technological innovation to be introduced into the workplace affecting records work.

However an even more exiting future is tantalisingly being presented to us through the technology. This involves really re-thinking recordkeeping in the service oriented architectures – moving completely away from stand-alone records applications and providing componentised functionality. In this very early re-think, an organisational repository or store, is the only fixed functionality, with all other processes delivered by invoked components living independently – and not even necessarily within the organisational boundaries. We have a long way to go to really make this work, but the thinking of what it would mean is again around in the conceptual records literature, and now the technology is emerging to make this reality.

Similarly there are other technological developments that we should be watching and noting with care. One is event-based, event-centric or event-driven computing. Another is role-based design – particularly for access and security. The work of the semantic web world is going to be of particular importance to us. The skill or trick is being able to know enough of the technology concepts to pick a winner, or track the way the technology is developing and being able to conceptualise what possibilities for delivering recordkeeping core functionality, designed to protect the characteristics of records, will be made possible.

Not just storage

Such views are a considerable way from the some of the technologies currently being offered to our organisations. Below are two examples, one relating to email and one to corporate information more generally.

The 'email archiving' systems being offered are just huge dumping places – effectively duplicating the basement in modern terms. With a searching protocol dumped over the top:

> "As email becomes widely accepted as a record of business and as more firms adopt record retention policies that include electronic communications (email and instant messaging), we expect to see a robust uptake in the deployment of email archiving applications," said Vivian Tero, senior research analyst for Compliance Infrastructure at IDC. "Basic email archiving functionality will become increasingly available in messaging and storage applications, however many organizations will continue to purchase dedicated solutions that provide a better fit for compliance and corporate governance requirements and integration with existing infrastructure," added Mark Levitt, research vice president, Collaborative Computing at IDC. (IDC Press Release *IDC Forecasts Continued Double-Digit Email Archiving Applications Market Growth Through 2009* 17 Jan 2006 http://www.idc.com/getdoc.jsp?containerId=prUS20047406).

The second example is more generic – almost a parallel to the 'it ain't rocket science' response to records management:

> "Maintaining a tight grip over all corporate information isn't as difficult as some might think. The technology exists to archive and search through all corporate records in seconds, irrespective of the size of the corporate file. It can also allay corporate uncertainties by providing assurances that the data returned is complete and accurate. Meaning, it is possible for companies to cross-reference and check any queried financial figures in seconds. Leaving future plausible deniability' claims out in the cold." (Image and Data Manager, *Email Archiving, AWB and Enron* 31 Jan 2006 http://www.idm.net.au/story.asp?id=6957)

Such views are dangerous and we need to be able to articulate why they are dangerous and misleading. Such applications are divorcing records from the business context in which it takes place, consigning functionality to a forensic process applied retrospectively.

And yet, always the optimist, we may still be able to make some recordkeeping work in that world, if we creatively think about standard metadata capture in the email system, and apply componentised records functionality through web services.

Conclusion

I am technologically upbeat about the future. But it is a future where we have a very robust and coherently articulated statement of what records and their characteristics are, we know what recordkeeping functionality is and how to conceptualise it divorced from a specific technological framework. However, it is our professional mission to ensure the appropriate definition and capture of records wherever they occur – and increasingly that is the business systems, of every shape and colour.

Frank Upward: Witness Statement

(Seminar 3: Who are the records managers?)

Witnessing the emergence of post-custodial records management

The editorial 'Cataclysm or Catalyst" is a piece of writing from the USA RIM [records and information management] school of records management practitioners that asks records managers to leave their custodial past behind them. The RIM practitioner in that country emerged out of the paperwork reduction era of the 1970's and began to lose contact with their environments in the mid 1990's. From that time the records management literature is sprinkled with writings from them and others that reject the janitorial records centre based approach to records management.

I am not sure if the authors of this example understand that in electronic environments the custodial role becomes what archivists call 'post-custodial'. Instead of emphasizing the physicality of custody you need to understand and utilize its logic. The logic of the electronic archive, for example, is that it needs to be formed in a nano-second relationship with the formation of the record. The logic of the record is that it needs to be formed in conjunction with business processes. It needs to be captured at the time of action.

Control of records formation is a practical skill in records management that has not been regularly practiced in the USA for more than eighty years. Accordingly it would seem that it is proving difficult to transfer the notion of capture into workable routines within their systems, concepts, theories and practices. Their post action systems in which documents may or may not seep their way into records centres is totally unsuited to electronic environments. While the editorial recognizes this, it expresses only general ideas about what a new approach should encompass.

My witnessing is very different to those who wrote the editorial. I was a records and information management practitioner in the early 1980's. and was certainly influenced by Forest Woody Horton and the paperwork reduction approach of the U.S.A. so there is some commonality. My records management role in the 1980's, however, remained distinct from my role as an information manager. With a records management hat on I was a registrar, a consulting recordkeeper responsible for designing systems for integrated recordkeeping and archiving processes. The approach was built around the need to form and control records as evidence of business activities and the most economic way of doing this was (and still is) to ensure that records are captured as part of business processes.

My era of crisis came later in that decade when it was becoming obvious that the emphasis on information management was taking understandings away from the core

formative business of the recordkeeper, the capturing and keeping of accurate and reliable records of actions. For many different reasons, some valid and some invalid, Australian concepts of what records management was about were lapsing into physically janitorial rather than activity based approaches in all spaces (not just the business places that had in many cases been following the USA lead for some time). There was plenty of work around for a consultant in areas like the classing and disposal of paper records, but it was beginning to be the wrong time to be identified with paper and paperwork.

As a result of the collision of circumstances I became an academic, and, in due course, one of the records manager – archivists partly responsible for the International Standard on Records Management (ISO 15849) with its emphases on business processes, the construction of evidence about them, and the design of recordkeeping systems. The standard had its origins in an Australian standard that was deliberately generative (in the minds of some of us anyway). It aimed at encouraging understanding and practice of formative approaches.

If you want to see how the approaches are currently being developed and promoted go to the websites of Australian archival authorities at federal and state levels. It is important to the formative 'post custodial' approach to develop archival authorities that can advise on it. The records centre is, after all, a form of archive and archivists have understandings of its nature built up over long periods of time. In electronic environments it is easier to see what logically has always been the case but many people in the twentieth century forgot. The archive is created in conjunction with the formation of records. Its formation, which in paper records can take place over time, in an electronic communications environment needs to be controlled spatially from the outset. Archival authorities can advise on the joint operation of recordkeeping and archiving processes, can set standards for outsourcing the custodial role, and if they are good enough (which they are not yet) perform that third party role themselves (in conjunction with private enterprise in countries like the USA, the U.K, or Australia).

There is no need for turf wars. Many in this audience will be familiar with my records continuum model where I tried to make aspects of a more harmonious logic of place clear. The model describes 'who did what', the action side of recordkeeping and archiving processes. It also describes how we can store traces of action in document systems, evidence in records systems, corporate or individual memory in archive systems and bring the lot together within archives systems. Within this formulation the locus of records management is in the capture of records, the second dimension, but:

- regime determination (archive formation, the third dimension) is a major managerial task and affects records formation in the most fundamental ways,
- document and data management (the creation level) is a major area of action in the workplace or in systems design and implementation, a key determinant of how well the records will be formed,
- and monitoring and complying with the external environment, maximising appropriate relationships with the plural archive, should be a major determinant of how documents are created, records captured, and the archive organized.

That, logically, is how records management can be placed in any era or space. Records managers need to help others see where their skills and knowledge fit. Alternatively they can fight turf wars with document managers, with the corporate archivist, or with archival authorities. But should they? If all groups recognize and respect the spaces of the others they can work together and the number of mechanics servicing the machine that is the records continuum will start approaching the numbers needed for the task.

So if records management is easy to find using topological mapping techniques why do records managers and others keep losing it? There is not time to go into that here; suffice to say that one problem is increasing complexity. Records management, especially if it is involved in the formation of the record in electronic communication environments, has become truly diverse in terms of the knowledge and skills it could draw upon. If the task of records management is to document business activities accurately and reliably, then it is now a truly complex and challenging profession. The turf wars can be raged on many more fronts than those specified above. The 'RIM' practitioner, if they tried to encompass all the aspects needed to manage electronic communications and documents as records would need to become, at a minimum, the RAIMISYS-LBAH [records, archives, information management, information systems, legal, business analysis and historical events] practitioner.

Over the last five years much of my teaching has been directed at this mélange of skill sets and knowledge structures within classes that have included postgraduates who are practicing or potential business analysts, systems analysts, information technologists, archivists, librarians or records managers. In trying to help them find their collective way through the breadth of actual or potential knowledge and skills brought to bear within group document, records, and/or archives management projects I have used a range of continuum models. Currently there are models for records, information, data management, publishing and cultural heritage. I have witnessed how well the theories in the models can help students get their bearings and work together. I have also learnt to understand that the cliché that there is unity in diversity is unsound. There is really only diversity in diversity, but using a

topological approach it is possible to put in place a framework at the beginning of projects where the singularity of different skill sets can be assessed for relevance to group goals and can be aligned with the task at hand.

The USA editorial is worried that the classification and disposition skill sets of records managers in the USA are being absorbed by other groups. My own experiences with student project teams matches this. The students do not have much problem understanding and including conventional custodial classification and disposition techniques, no matter what their background. It seems that most of them can quickly absorb the game or bluff their way through. On a positive note my experience has also been that there are some aspects of records formation that intrigue and challenge students from all backgrounds including new ways of thinking about classing and disposition. The areas that have engaged their minds include:

- registration processes and associated data and metadata structures,
- use case approaches to recordkeeping system design,
- classifying processes that attempt to bring together work flow and functional decomposition as through put elements (something the catalyst or cataclysm article seems to fear), and
- disposition in terms of what records should be captured, which ones should be part of the archive, which ones have a life beyond the boundaries of an organisation, and how long the presence of information about our activities needs to be maintained as data, document, record, archive or archives.

If and when records management concepts, theories and practices consistently focus on records formation then there is every reason to expect that the skill sets and knowledge base will become more able to cope with complexity, the job will attract practitioners capable of operating in electronic communication environments, organizations will be more likely to look to give records management a continuing presence, and better recordkeeping systems will be demanded of our businesses and governments. Records managers in post custodial times and places will again have first call on what the 'Catalyst or Cataclysm' article seems to value highly, the right to provide explanations of their activities for dummies.

That happy state of affairs will not arrive, however, unless records managers fully realize that the best catalyst for them to generate adequate concepts, theories and practices is to focus their endeavours on the formation and ongoing management of evidential records.

Victoria Vallely, Eversheds Llp: Witness Statement

(Seminar 2: Is records management the management of risk?)

Introduction

As an employment lawyer my answer to this question is a resounding yes! The article focuses on corporate governance and states that "record keeping is a key component of any organisations corporate governance and critical to its accountability and performance". It goes on to say that sound information and records management delivers six key requirements for good corporate governance as follows: transparency; accountability; due process; compliance; meeting statutory and common law requirements; and security of personal and corporate information.

My work involves advising HR professionals and in-house lawyers on a range of employment issues, often focussing on information management and in my experience this has touched on all of these key areas. I have set out below some examples which I believe illustrate that good practice in relation to record management can help minimise legal risk in any organisation.

Litigation risk

Discovery/disclosure of documents

In all Employment Tribunal proceedings orders will generally be made for disclosure of documents. The parties are obliged to disclose all documents that are relevant whether or not they support or damage that particular party's case. Where a party is unable to make effective disclosure because records are not accessible their case is often severely hindered. If voluntary disclosure is not made then the party may be subject to a specific order for disclosure of documents or indeed a specific discovery order relating to key documents that the other party has requested on the grounds that they believe such documents exist. In the worst-case scenario failure to comply with a discovery order could result in a case being struck out. Where an employer is unable to make effective disclosure it is very difficult to assess the merits of the case as ultimately the employer will have to rely upon oral testimony should the case reach the Employment Tribunal. It is a well-recognised fact that oral testimony does not carry the weight of documentary evidence. Where parties are able to make effective disclosure it gives both parties an opportunity to make an assessment of the merits of the case at an early stage and goes a long way to facilitating early settlement.

Accountability and transparency

In order to minimise litigation risk it is essential that employers are able to demonstrate how decision-making processes operate and demonstrate that appropriate policies have been followed. This is particularly relevant in relation to

the new Statutory Dispute Resolution Regulations, which implement a statutory regime for dealing with disciplinary matters, dismissals and grievances. Both the disciplinary and dismissal procedure and the grievance procedure have prescribed steps, which require employers to have meetings with employees. It is vital that employers are able to demonstrate that such meetings took place and good documentary records of the procedure is essential.

The sanctions for failure to follow the statutory procedures are severe. In the dismissal context, a failure to follow the relevant statutory procedure can result in a finding of automatically unfair dismissal and an automatic uplift in any compensation awarded of 10% with discretion to increase the award by 50%. In the context of the grievance procedure again a failure to follow the procedure which is attributable to the employer can result in an uplift of any compensatory award by up to 50%.

In the field of discrimination this is particularly relevant. Employees are now barred from bringing such claims in the Employment Tribunal if they have not raised a grievance prior to instituting proceedings. Awards in the discrimination field are currently uncapped and therefore the risk of a 50% uplift for failure to follow the statutory procedure is one to avoid. Since the procedures came into force in October 2004 I have frequently seen employers unable to provide cogent documentary evidence that the appropriate statutory procedure was followed. This can seriously damage the prospects of success in the Employment Tribunal.

EXAMPLE: A recent case on which I have been advising involved a dismissal on the grounds of gross misconduct. The employee brought his claim following the expiry of the usual three-month time limit for bringing an unfair dismissal claim. The statutory dispute resolution procedures extend time by a further three months if the employee can demonstrate that he believes that the disciplinary procedure was ongoing at the time when the original time limit expired. In the circumstances, we sought to have this case struck out on the basis that the claim was out of time. However, the employer was unable to rely on this defence as it was unable to locate the letter notifying the employee of the outcome of the final appeal. It was therefore open for the employee to argue that they had not been notified of the outcome of the final appeal and were therefore under the impression that the disciplinary procedure was ongoing. As a result the employer must now incur costs in defending these proceedings or indeed settling them when, had accurate records been kept of letters that were sent, the employer would have been able to dismiss this case at the first hurdle.

Compliance/due process

Another issue which is highlighted in the article is that of when documents should be kept and when they can be disposed of. I have seen this issue cause difficulties for employers, particularly in the recruitment field. I am sure you have all attended interviews where the interviewer makes copious notes throughout. It is important that employers recognise that such notes are ultimately discoverable documents and therefore my golden rule has to be, if you would not be happy to disclose it then do not write it.

EXAMPLE: Where a female applicant was unsuccessful in her application she brought a claim against the employer on the grounds that she had been discriminated on the grounds of her sex during the recruitment process. As part of the pre-hearing discovery, the employer was obliged to disclose notes taken during the interview which clearly highlighted that the woman's plans to get married and have children featured as part of the decision making process.

Data Protection Risk

Generally employers will be data controllers for the purposes of the Data Protection Act 1998 (the DPA). A Data Controller is defined as the person who determines the purposes for which and the manner in which data is processed. The Data Controller in this context is obliged to comply with the requirements of the DPA in relation to employee data. Of the eight data protection principles at least three have record management implications:

- *Principle 4:* Personal data shall be accurate and, where necessary, kept up to date.
- *Principle 5:* Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- *Principle 7:* Appropriate technical and organisational measures shall be taken against an authorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Part 2 of the Employment Practices Data Protection Code focuses specifically on employment records. Compliance with the Code of Practice is not a legal requirement as the requirement is to comply with the DPA itself. However, the benchmarks in the Code are designed to bring about compliance with the Act. The Code of Practice sets a number of benchmarks in relation to the retention and management of specific records such as sickness and accident records and disciplinary, grievance and dismissal records. The Code of Practice also deals with the issue of retention of records. One of the key issues in relation to effective records management is how long should records be retained for.

It falls primarily to the employer to set retention periods in the context of the DPA. No specific periods are given in the DPA or in the Code of Practice. The relevant principle in the Act simply states that personal data in a record shall not be kept for longer than is necessary for a particular purpose. However, any period set must be based on business need and should take into account any relevant professional guidelines. Employers should be aware that the DPA does not override any statutory requirement to retain records, for example, in relation to income tax or certain aspects of health and safety. It is therefore up to every employer to establish and adhere to standard retention times for categories of information held on record for workers or former workers. These retention times should be based on business need.

EXAMPLE: An employer may wish to retain records regarding dates of employment, disciplinary records and grievance files for employees for at least the duration of employment and for a period thereafter. As general guidance I would recommend that such records are retained until after the expiry of the limitation periods in which a former employee could potentially bring a claim against the employer.

It is important that employers observe the requirements of the DPA in order to avoid the risk of enforcement action being taken by the Information Commissioners Office. A failure to comply with the DPA could result in a fine against the employer.

Employees also have various rights under the DPA. The main areas include the right of access to personal data held by the employer, the right to prevent personal data being processed, which would include retention, where the processing is likely to cause damage or distress and rights in relation to automated decision making. An employee will also have the right to have inaccurate data erased and the right to receive compensation for damage caused by a breach in the DPA. In this context compensation is potentially uncapped and will relate specifically to the damage suffered. There is therefore a possibility that if an employer suffers adverse consequences as a result of the retention of records in breach of the DPA, then they could also bring a claim for compensation as a result of damage suffered.

In relation to employment records I would highlight the following top tips for employers to help minimise risks in relation to record management and ensure compliance with the DPA.

- Identify where personal data is kept in the organisation and determine the purpose for which any information is held.
- Have a Data Protection Policy which is communicated to all managers and employees.

- Identify a person responsible for policy implementation.
- Ensure all employees are informed as to what personal data will be kept relating to them, why and to whom it may be disclosed.
- Amend the disciplinary procedure to incorporate breach of data protection rules as a disciplinary matter.
- Draw up a document retention schedule and implement it.
- Housekeeping - review all personal data (new and old) and consider what information is still needed and why (is it relevant, accurate, etc), whether it is up to date or obsolete, whether it should be deleted.
- Review the security arrangements for all personal data held.

Freedom of Information Act 2000

The Freedom of Information Act 2000 (FoI) came into force on 1 January 2005 and provides a general right of access to information held by public authorities. Subject to a number of exemptions, any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, if so, the public authority must communicate that information to the individual. Good record management practices will be an essential part of successful implementation of the FoI. If you know where the information is, it will be far easier to retrieve it and therefore comply with the 20-day statutory time scale for responding. The Lord Chancellor has issued a Code of Practice on records management under Section 46 of the FoI. It sets out proposals for all stages of records management i.e. record creation, record maintenance and record closure. It will be a criminal offence for a public authority to alter, deface, block, erase, destroy or conceal any records held with the intention of preventing disclosure. The offence can be committed by the public authority and any person who is employed by it. It is a summary offence, punishable by a fine not exceeding £5,000.

David Wainwright: Witness Statement

(Seminar 1: Embedding Records Management into Business Processes)

I would like to play 'devils advocate'.

I am by no means an 'expert' in records management. However, I may be considered an expert in my own discipline (or field of study?) which is Information Systems (IS). It is interesting to note the same evolution in terms of soul searching, questioning and angst over the rise and (perhaps) fall of records management (and archiving) as a distinct area; both in terms of academic research, education and professional practice. IS and also more latterly Computing are being increasingly viewed in the same way. The biggest debates over the last few years have surely been:

a) rigour (academic research) versus relevance (practical application of theories generated?
b) The absence of well-defined or useful theories in the fields of IS, IM, KM and RM?
c) The centrality of the IT artefact? And ubiquitous computing
d) Rapidly falling levels of interest amongst managers in these fields as opposed to focusing on the IT artefact
e) Rapidly falling levels of interest in young people wanting to study these subjects (at schools, colleges and universities) and follow a vocational career path thereafter.

Our discipline(s) (if indeed they are separate?) are in a state of disarray. Perhaps this is mirrored generally in the current state of the world, politically, economically and socially. Higher Education in the UK is in freefall – it lacks sufficient funding and must rely on a mass production model attacking global markets to survive. Energies are sapped therefore from turning our attentions to scholarship, research and continual redefinition of our subject areas; especially in disciplines which have potentially the most strategic role within the new information technology revolution. Young people are also not attracted to join the academic profession – we have a very ageing workforce; a time bomb is looming.

In industry, the step changes in efficiency, effectiveness, competitiveness, personal and social wellbeing, we thought would happen with the great leaps of technological developments have not happened in practice. Most organisations are still chaotic in terms of their information systems, business processes and records management; witness the emerging disaster waiting to happen that is the English NHS (Connecting

for Health 8-£30 billion estimated IT programme), the UK farmers subsidy system, and our own frustrating environments – universities administration, library, e-learning. 'Disintegration' and fragmentation is more the norm that integration where information systems and 'joined up' business processes are concerned

A lot of this is probably down to both ignorance and lack of education on the part of 'users' (an interesting term), management myopia where IT, IS and IM are concerned – but primarily the fault may lay at our own back door in education itself. We have yet to properly define our field as a true discipline (or set of related disciplines) with a coherent body of knowledge, a coherent set of theories, a coherent and long-term research agenda, and a cumulative research tradition. Instead – we as academics 'squabble' over our own research areas, compete for a tiny pot of research money, often avoid practice like it has the plague, and want everything to stay the same as it was 10 or 20 years ago. We who proselytise change – perhaps should be on the front line leading by example.

So, embedding records management into business processes is perhaps a very trivial question compared to what is really going on in both research and practice. I would argue for a lot more unity in our related subject disciplines, IS, IM, RM, Computing, KM towards developing these fields of study into a true discipline. We can then address the important issues of educating our audience, in terms of academia, prospective students, industry and government as to the vital importance of recognising these problems as complex, non trivial, and deserving much greater strategic awareness, operational focus and appropriate levels of funding.

I would argue that it is essential to embed records management into business processes. If we get the fundamental questions right, raise the appropriate levels of awareness, then we can start to redress the balance between theory and practice. Records management alongside other IS fields such as the human issues concerned with the management of technological change can then be rightfully incorporated into business redesign and reengineering projects.

Perhaps, despite the rapid progress in terms of the development of the IT artefact, it is still very early days for our discipline(s).

Vicki Wilkinson: Witness Statement

(Seminar 1: Embedding records management into business processes)

What, If Anything, Is Records Management?

Introduction

My journey through 'intellectual adventurism towards senile reminiscence' is still only half way through but I know that the goalposts in Records Management have been moved over the last 20 years. Perhaps this is best illustrated by the change in attitude from:

Records Managers
- glorified filing clerks
- instead of moving deck chairs on the Titanic they move boxes
- a set of empire builders.

Our critics defined what *they* thought Records Management was more easily than we as professionals did.

How would we describe ourselves 20 years on?

Do we analyse our detractors in the vain hope of discovering a basic tenet in their criticisms or do we set out our own blueprint for the future, hoping that a synthesis of thought will produce a workable, non-threatening definition of who we are and what we are about. It sounds easy and sensible but alas there is a snag – the multi-dimensional nature of our work is strengthened, weakened and bedevilled both by ourselves and by our business and management colleagues who feel the nature of this hybrid animal called Records Management does not fit neatly into a recognisable compartment.

My position on the topic

Hurley's article provoked many thoughts in my mind and, indeed, touched several nerves. My statement will concentrate on:

a) my view of what Records Management is. I will concentrate on my passionate belief that the principles remain unchanged from the days of Schellenberg et al. It is the "how" as Professor Tom Peters states which provides the challenges today and in some of this I am in agreement with Hurley. Furthermore in my view, despite the academic basis of our profession, we ourselves have either not truly understood it or have found niches which have

enabled us to ignore the complexities of it and live an easy life. Records Managers have applied their skills to registries, or managing records stores or even surveying existing departmental records instead of grasping the nettle of the creation, management, retention and destruction of records which are products of business activities and which have no meaning or context unless they are evidence of those activities. Records are not just 'necessary' to the conduct of business as Hurley suggests but an intrinsic, fundamental part of it.

b) is Records Management actually 'anything'? I will argue that it is indeed 'Something' - an enduring paradigm with new opportunities, an ancient and honourable profession. It is not subordinate to Information and Knowledge Management but is the leader of the pack; the challenge is to get 'our fellow workers in the I&KM vineyard to understand this and then to form an alliance.'

Conclusion

In conclusion, I will ask, is the gap between the old guard and the avant-garde illusory or is it an unbreachable dichotomy?

APPENDIX C: CONFERENCE RAPPORTEUR'S POWERPOINT SLIDES

Exploring the essence of Records Management

Summary and conclusions

David Ryan 5 May 2006

The brief

- Summarise the discussion and debate
- Draw conclusions about issues raised
  - Paradigm shift or continuous development?
  - Revolution or evolution?
- Personal observations on value of conference format
- Any other thoughts

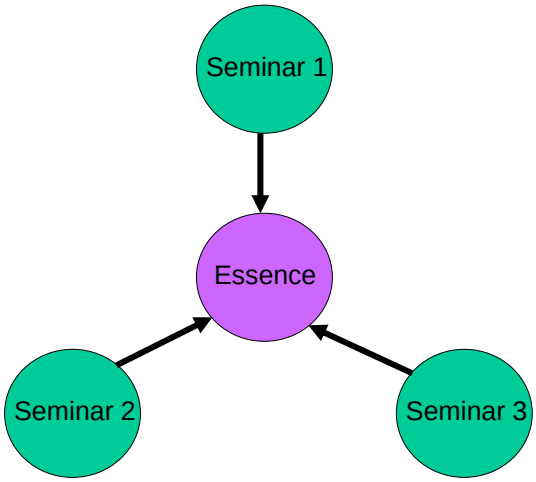
First thoughts

- Inspiring location
  - except perhaps for Sunderland fans!
- Beautiful weather
- Thank you to Julie and colleagues
  - a year in the planning
- Thanks to Newcastle United and sponsors

The debate

- Very interesting
  - wide variety of views and experiences
  - will inform future path for profession
    - looking forward to conference proceedings
  - sometimes rather high-brow
    - Philosophic musings

The approach



Seminar 1 – the topic

- Embedding records management into business processes

Seminar 1 – the soundbites

- SJB – not illegal to impersonate a Records Manager
- SJB – Copernican revolution
- PH – NL RMS has suffered a 50% drop in membership in recent years, yet no drop in RM jobs in NL. Why?
- PH – creating technology always ahead of RM

Seminar 1 – the soundbites

- PH – poor email practices has not stopped organisations working. Return to oral tradition?
- GJ – embedded systems
- GJ – strong verbs
- GJ – reverse application led IT to be activity led IT. This is a cultural task
- BR – “It’s the context, stupid”
- BR- Records don’t come from the cabbage patch

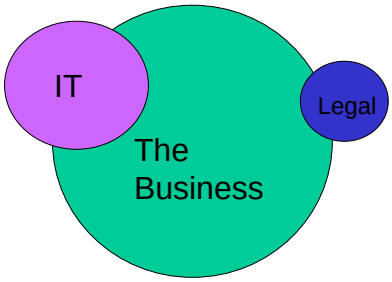
Seminar 1 – the soundbites

- BR - The e-world is more granular than the paper world
- BR - Web services can deliver the promises of workflow
- DW - Convergence
- DW - what impact will embedding RM in business processes actually have
- DW - SMEs don't care what it's called
- VW - Schellenberg rules OK!
- VW - the cultural shift starts here
  - it's not just the users who need to change, it's us

Discussion 1 – the soundbites

- Compliance is a hygiene factor not an added value proposition
- Get the business to do what the business should do – innovate its core activities
- Organising the chaos (the exciting post 1978 chaos)
  - Practical help for BS7799 more productive than RM proselytising
- Ageing profession with a dip in the middle years
- Responsibility vs. accountability
- Orchestration layers

Discussion 1 – whither RM?



Seminar 2 – the topic

- Is records management the management of risk?

Seminar 2 – the soundbites

- VL - be like the Emperors of old, learn the traditions of colleagues, don't forgot who we are and we can rule vast territories
- VL - from the basement to the boardroom
- VL - risk is a threat that can exploit a vulnerability

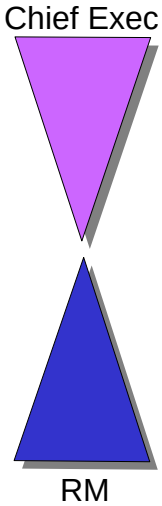
Seminar 2 – the soundbites

- VL - COSO, ERMIF, Section 404
- AI - reactive and proactive approach
- AI - finding a needle in a haystack made of needles
- AI - ACPO guidelines
- VV - 'It's all about risk minimisation'
- VV - you cannot run off to the shredder

Seminar 2 – the soundbites

- VV - always some risk when taking retention decisions based on business need not law
- AI - reactive and proactive approach
- CH - risk minimisation vs. risk elimination
  - an unobtainable holy grail
- MD - X%
- JC - Cocktail Party syndrome
- JC - alternatives to the Book of Job
  - Improved data quality and innovation
- JC - hazard avoidance is not risk management

Seminar 2 – point of contact



- Challenge 1: Talk the Chief Exec's language and have the story ready
- Challenge 2: Discuss with colleagues and suppliers before the Chief Exec decides for you

Panel discussion – the topic

- A view from the bridge. Issues and impressions

Panel discussion – the soundbites

- SH - reluctance to discuss ethics
- SH - enthusiasm for ERM
- DF - 'you push the button, you make the coffee. It doesn't work…'
- DF - TV vs. VCR
  - Web vs. ERMS
- DF - value should be the centre of our thinking
- PB - perfect records keeping when organisational goals are always changing

Seminar 3 – the topic

- Who are the records managers?

Seminar 3 – the soundbites

- FR - small groups can't win big wars
  - some guerrilla successes
- FR - *The sunlit uplands of democratic transparency*
- FR - shape the tools that allow records to be managed
- IM - watch the borders
- IM - paper raw ingredients in a manufacturing process
  - Cabinet Office – Transformational government
- IM - the bottom line is business performance

Seminar 3 – the soundbites

- PM - users do care as they need help
- PM - are Records Managers obsessed with professional pride?
- CC - who is managing the records?
  - take away personal drives
- FU - concentrate on the formation of the record
- FU - the post custodial era has started
  - continuum models for a cross-disciplinary future

The format

- Very successful
  - high degree of interaction between speakers in round table sessions
  - high degree of participation from the audience
    - valued comments rather than silent recipients
  - well-managed in timings and content
    - good organisation and Chairs

Any other thoughts

- Refreshing lack of PowerPoint until now!
- What hasn't been raised
  - The web
    - extended organisations/extranets
    - remote working
    - Realtime comment from public e.g. Amazon 5 stars
  - Librarians
    - a convergence topic
  - the availability of Online Information
  - Google Appliances
    - Classification dumped for search
  - Metrics
    - especially RoI

Some questions

- Do senior management believe their organisations are in chaos?
  - if not, why not?
- If IT have not sorted out the organisation's processes and records, why doesn't the business ask us?
- Why does IT have so many specialisms and RM none?