

InterPARES Trust

Project Report



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Abstract

Since 2002 until April, 2017 to meet two legal provisions of the Federal Act of Access of Information, Transparency and Personal Data Protection¹ community cloud services have been implemented: the Transparency Portal of Obligations (POT as in Spanish) and the Access of Information Portal (INFOMEX as in Spanish). POT has been the way agencies publish topics they are obliged to; on the other side, INFOMEX has been used by public for access of information requests and receive responses. Both services have been coordinated by the late Institute of Access of Information and Personal Data Protection (IFAI).

Regarding the records/archives created, managed or preserved by both community cloud services, due to the lack of guidelines for records created for access of information and transparency obligations doubts arose about their management either by IFAI or by the agencies, decentralized and autonomous institutions of the Federal Executive Administration (bound subjects) to answer public information requests or with the publication of certain topics for transparency. By the time of the services started there were no guidelines or policies for records or recordkeeping systems, so it was not clear if there where records and if there were in paper or in digital format or kept in certain systems and who was responsible for them. These doubts were the main reason to carry out a study case with the idea of developing guidelines to maintain and preserve authentic, reliable and accessible records/archives managed through said community cloud services.

The study case was carried out between 2014 and 2016 but, during the period of the project new legislation and rules were issued. Instead of a federal act, a national one came into force in 2015.² The new act brought modifications for POT and INFOMEX

¹ Federal Act on Transparency, Access of Information and Personal Data Protection.
<http://www.inea.gob.mx/transparencia/pdf/LFTAIPG.pdf>

² General Act on Transparency and Access to Public Information
http://www.dof.gob.mx/nota_detalle.php?codigo=5391143&fecha=04/05/2015

which according to new regulations and policies, the same, since May 2017, are part of the Mexico's National Transparency Platform³ but INFOMEX and POT, also mandatory transparency topics grew substantively as well as subjects bound to comply with. Besides guidelines for recordkeeping systems⁴ and those for electronic recordkeeping systems (ERKS)⁵ were also issued by the General Archive of the Nation (AGN). Thus, the new provisions modified also the main goal of the case study but, due to the fact that the results, already obtained in the light of obsolete Federal Transparency and Access of Information Act, brought interesting information related with the kind of records created, the responsibility for keeping said records and disposal actions, it was felt that the same should be taken into account when developing guidelines for managing access of information requests and transparency cloud communitary services as well as other similar services that are being used by agencies in governments.

In this report the activities carried out as well as the results obtained for said communitary service are presented and discussed.

Background

The InterPARES Trust (ITrust) project is a multinational project oriented to explore topics related with digital records entrusted to the internet, its main goal is to generate theoretical and methodological frameworks to develop local, national and international policies, procedures, regulations, standards and legislation, in order to ensure public trust grounded on evidence of good governance, a strong digital economy and a persistent digital memory.

Among the different ITrust domains of research, *control* is the one that encompasses this case study, taking into account that it focus on the management of digital material in online environments. It addresses issues such as as: authenticity, reliability, and accuracy

³ Available at <http://www.plataformadetransparencia.org.mx/web/guest/inicio>

⁴ General guidelines for the organization and conservation of records/archives from de executive government branch. In Spanish

http://www.dof.gob.mx/nota_detalle.php?codigo=5399403&fecha=03/07/2015

⁵ Guidelines for the creation and use of automatized systems for keeping records. In Spanish

http://www.dof.gob.mx/nota_detalle.php?codigo=5399401&fecha=03/07/2015

of data; integrity metadata; chain of custody; retention and disposition; transfer and acquisition; intellectual control, and access controls.

Before May 2017, for access of information IFAI developed INFOMEX, a community cloud service through which any person was able to make information requests and receive responses online from (bounded subjects). The cloud service resided in IFAI data center and, previous registration, public servants of the access of information unit (IU) in each bound subject were allowed to access IFAI's site in order to receive and to answer public requests the IFAI's website.

Also, to comply with transparency obligations IFAI developed POT, a community cloud service where the federal bounded subjects should comply with the disclosure and periodically update 17 topics of information related with, their actions, budget, regulatory schema, salaries, etc. The service resided in IFAI data center and was linked to every bound subject website, IU public servants needed to be registered to upload and update said topics of information.

The case study was originated due to the fact that there were no policies or regulations, recordkeeping or ERKS. It was also perceived that bounded subjects were either creating and keeping multiple or none records created for said functions. Besides, although there were classification schemas and disposal regulations it was not known if the same were applied to the information or records created for transparency and access of information. All these facts were enough to carry out a case study, since an improper management of said records might put in risk the trust⁶ of both, the bounded subjects creating these type of records, and IFAI as responsible for both community services. In view of the above, transparency and access of information is not only matter of complying with regulations,

⁶ As defined in the ITrust Terminological Database, trust is the confidence of one party in another, based on alignment of value systems with respect to specific actions or benefits, and involving a relationship of voluntary vulnerability, dependence and reliance, based on risk assessment ITrust Terminological Database in progress: <http://arstweb.clayton.edu/interlex/en/term.php?term=trust>

it implies also trustworthiness⁷ on how records/archives created for such functions are managed and preserved in order to comply with information requests and transparency provisions, or to serve in digital forensics as evidence in legal actions or as cultural assets for the future. Therefore, their management and preservation as well as a clearly designated custodian for said records are relevant.

During the period the study was carried out (2014-2016) there were key changes related with transparency and access of information legal provisions. IFAI disappeared on May 2015 when the National Act of Access of Information, Transparency and Personal Data Protection was issued and gave place to the National Institute of Transparency, Access of Information and Personal Data Protection (INAI).⁸ Although the objectives of the Act were almost the same of the late Federal one, the scope is greater since it now covers a national bounded subjects, including political parties, unions and public universities that receive government budget. There are now new issues of interest for the case study, such as the responsibility of every bounded subject maintain information of any action for exercising their functions and the duty of maintaining updated records systems related to transparency of access of information. In line with the General Act of Access of Information so that records/archives would also be at a national level a General Act for Archives was recently approved by Congress (April 2018), although its release is still pending. Besides in 2015 AGN issued guidelines for recordkeeping systems and well as the one for ERK criteria.

The above said restricted the objective of the study, but as it is further stated the results gave response for the initial doubts and brought new ones which no doubt should be taken into account for the National Transparency Platform that INAI recently put into operation.⁹

⁷ As defined in the ITrust Terminological Database, trustworthiness is the accuracy, reliability and authenticity of a record. – 2. Dependability, reliability, honesty, and truthfulness.

<http://arstweb.clayton.edu/interlex/en/term.php?term=trustworthiness>

⁸ General Act on Transparency and Access to Public Information

http://www.dof.gob.mx/nota_detalle.php?codigo=5391143&fecha=04/05/2015

⁹ Although the case study was finished in 2016, this report was updated in 2018.

Research questions

Are there records for access of information and transparency obligations in the Federal Administration (FA)?

Is there an office responsible for maintaining and keeping records for access of information and transparency obligations in the Federal Administration?

Are records for access of information and transparency obligations kept in digital or in paper?

If there are records for access of information

Goals, objectives and activities

The initial goal was:

To carry out a case study with the purpose of developing guidelines for producing, maintaining and preserving authentic, reliable and accessible record of both INFOMEX and POT.

The same was overcome due to:

- The issuing of the guidelines for recordkeeping systems for recordkeeping systems for the Federal Government by AGN.
- New regulations that led several changes in INFOMEX and POT now integrated in the National Platform of Transparency.

In spite of these changes, still a disposal criteria related with preservation issues for both cloud services, as well as responsibility for record keeping were pending. This gave place to a new goal:

- To establish, which is the authoritative record as well as management, control disposition issues about it.

On this basis the following activities of the case study were maintained

- To elaborate a questionnaire for interviews
- To carry out interviews with both public servants of IFAI in charge of the POT and INFOMEX cloud services as well as those of bounded services using said services.
- To establish strategic alliance with IFAI and AGN to get support for interviews
- To carry out interviews to IFAI cloud services and agencies
- To integrate the information and reflect on solutions

Methodology

Two types of questionnaires were elaborated, one for bounded subjects as users of both clouds services, other for the Information, Communication and Technology Office (ICT) of INAI as coordinator of said services.¹⁰ The questionnaires elaboration was based on the contextual analysis for case studies template developed during the InterPARES 3 Project.¹¹

The initial objective was to apply the questionnaire to six bounded subjects of the Executive Federal Government according to their size (big, small, medium), either agencies, decentralized institutions or autonomous. First approaches were made with IFAI in order get contact with the IU having in mind that is was the best area since its responsibility for operating POT and INFOMEX. Under this assumption it was only possible to apply the questionnaire to medium autonomous organization. In a second effort to apply more questionnaires it was decided to select the records manager officer of

¹⁰ The first questionnaire was elaborated in coordination with the researchers of LA1 Case Study although it was preferred to divide it in two. Essentially they have the same information of the first one.

¹¹ Available at

http://interpares.org/ip3/display_file.cfm?doc=ip3_case_study_template_for_contextual_analysis.pdf

bounded subjects and support of AGN was asked. A large agency as well as a small decentralized institution accepted to answer the same. At the end it was only possible to get information from three bounded subjects. Although the information required in the questionnaire was public, there was resistance to provide it by other bounded subjects. The option of an access of information request was not used because it was preferred to be in direct contact with records managers. As expected the questionnaire of the ITC was applied.

Once the information was obtained it was compared in order to identify information about the characteristics of the records kept as well as their disposal criteria.

Findings

Records juridical and administrative context

- Policies, guidelines as well as organization procedures manuals were available for INFOMEX and POT.
- As established by the Federal Act of Archives and secondary policies, there were also regulations for recordkeeping, classification schemas and disposal policies for bounded subjects, but due to the fact that guidelines for ERKS were issued until July of 2015 and was expected to be in force by July, 2017 it was not mandatory to have such system.
- The three bounded subjects already had a functional classification schemas. The same, among common functions had a Transparency, Access of Information and Records/Archives section which includes both: transparency and access of information requests series. Also they had disposition schedule where both series are expected to be kept for an administrative period established by each bound subject, the three had a disposal criteria for removing and eliminating records of said series.

- As for elements related with authenticity, the guidelines recordkeeping systems established descriptive metadata. Now ERKS criteria also included also contextual metadata as well as a list of basic metadata for interoperability, as for security and technological process the same were regulated by federal specific provisions.

INFOMEX and POT Technology Context

The IFAI as provider of the cloud service meets with ICT regulations and standards of security, backup, maintenance or the information kept in their data centers in accordance with the ones issued by Federal Government.

General findings for both POT and INFOMEX

- Although it was not a relevant topic for the case study, although the data required by the questionnaire for bounded subjects was not sensitive there was a high resistance to answer the same either by the IU's or the records management offices (RMO). Besides communication between both offices was not easy due to the fact that ascription is different in each case and the IU is at higher level than that for the RMO diminishing the relevance of records/archives within bounded subjects. These were the main reasons of not being able to apply more questionnaires.
- None of the bounded subjects studied had a RKS, one of them had a system for controlling records and other for controlling access of information requests. Thus if there were or still are digital records it might be said that they are not properly managed.
- Although bounded subjects had already disposal criteria the same was not applied even for paper records. The three bounded subjects had established in their disposal schedule that both series, access of information and transparency should be eliminated after 5 or 6 years of creation, by the time for obtaining information there were not elimination requests for authorization to AGN, the institution responsible for authorizing the same. .

Findings POT

- Neither bounded subjects nor IFAI took responsibility for keeping records created for each of the 17 types of information loaded in POT. The IU or the office responsible of the creation of information for POT of bounded subjects do not keep records of the same, they argued that was IFAI's responsibility to manage the same. The creator might have the information in other systems or in computer.
- On the other hand, since the topics of transparency are updated regularly the ICT unit of IFAI overwrites the same every time it is updated.
- Since the information for POT is created in digital formats, it is perceived that there are no official records of the last 15 years for the transparency function.
- Although in the classification schema of common functions for Federal Agencies the Transparency series exists, there is no evidence of data or information identified as records named as such. If it exists in paper records, the same contains only administrative communications about POT. This series is supposed to have records of the 17 different topics of information although content is distinct.
- The information initially created for a certain function, may be defined as the authoritative record,¹² and the one that is to be disclosed in POT may not always remain the same because the rules for disclosure has established specific contents and formats. Therefore records created for the 17 transparency topics required for disclosure in POT could either be:
 - Copies of the original record;¹³
 - Modified up versions of the originals, giving place to a new record.
 - Copies of the originals in different formats

Findings about INFOMEX

¹² The Terminology Database of InterPARES 3 defines authoritative record as: record that is considered by the creator to be its official record and is usually subject to procedural controls that are not required for other copies. The identification of authoritative records corresponds to the designation of an office of primary responsibility as one of the components of a records retention schedule http://www.interpares.org/ip3/ip3_terminology_db.cfm?letter=a&term=481

¹³ A copy identical to the original and having the same effects, but generated subsequently http://www.interpares.org/ip3/ip3_terminology_db.cfm?letter=c&term=1004

- Although most information requests are made online through the INFOMEX cloud are digital generally they are printed and kept by the IU and by the creator (the office responsible for answering); if there are digital ones the same are kept in personal computers or a specific control system as established by one of the bounded subjects interviewed. The lack of criteria for ERKS was without no doubt the main cause for this issue.
- Although ICT data center of IFAI/INAI keeps requests and answers digitally the same do not comply with records/archives guidelines, although the same apply to any kind of format. The ICT unit does recognize them as records, they said that it is the responsibility of the creator to keep them. Notwithstanding, they expect that the RMO informs them how to manage or dispose of the same.
- It seems to be that the records for this function have different reasons to be kept (either in paper or digital) and there are about two or three files in paper with information requests classified according to the classification schema series *access of information*, although printed in paper:
 - One kept by the author (the office on which the creator depends)
 - One kept by the creator (the office responsible of creation)
 - One more kept by IU

Conclusions

The case study demonstrated the premises under which it was sustained, there is not a clear responsibility for maintaining or even preserve records created for transparency and for information requests functions. If there are records kept in data centers of both: IFAI/INAI or the bounded subject they are kept in different systems or databases but in an ERKS. There are also relevant issues such as the lack of records for the transparency function or the multicity of records in paper for access of information requests a situation that might also prevail when the same in digital format are to be captured in an ERKS.

Although the results obtained are no more useful for INFOMEX and POT, the results obtained are of most importance for the new portal called National Transparency

Platform.¹⁴ Indeed, they were already taken into account in the guidelines of said the same¹⁵ indicating that the responsibility of the records created for said platforms are of the creator's office.

In the light of the above, there are factors to be considered for information or records that might still exist for POT and INFOMEX in digital formats, as well as for the new National Transparency Platform function.

As for POT

- Although there were specific rules about the content of each of the 17 obligations, there were no guidelines to identify the kind of record to be published, neither guidelines for recordkeeping, which rise questions like:
 - Is it a copy from the authoritative record? Taking into account that the authoritative record is the one produced by the function of the creator.
 - Are there records that differ in content from the authoritative record?
 - Are there copies from the original in different format from that of the authoritative record?
- At this point it must be emphasized that the transparency function is different from that of the creator, therefore identification of the kind of record that is uploaded in POT or its substitute should be done by metadata.
- It is also necessary to update classification schemas and develop appraisal criteria for each topic of POT or its substitute due to the fact that each topic is different some of them might be a cultural asset for the future.

For INFOMEX

- The responsibility of the records created for information requests through INFOMEX also belongs to the bounded subject although there are two offices that need said records:
 - The office of the creator for accountability

¹⁴ Besides the access of information and the transparency functions, the Platform also includes others systems like the portals for communications with obligated subjects or for management of objections, and other information services related with transparency. <http://devliferay.inai.org.mx:8080/web/guest/inicio> .

¹⁵ Guidelines for the implementation and operation of the National Transparency Platform. In Spanish http://www.dof.gob.mx/nota_detalle.php?codigo=5436059&fecha=04/05/2016

- The Unit of Transparency and Access to Information
- As the records created for information requests through INFOMEX is of the creator or creators, when a response includes several areas of the bounded subject, but since the same are also required for functions of the IU:
 - Would the files have different names, classification codes and retention periods in each case? Or should be there one file with access privileges specifying different retention periods and disposal criteria?
 - Would it be convenient to establish microappraisal in cases when a response, answered by different areas of the agency are not comprised in other records and might have historical values?
 - Should the cloud coordinator of INFOMEX also maintain in their electronic recordkeeping system copies of records requests and responses with different classification, and disposal criteria as needed for transparency functions?

From the above said, specific criteria to identify the authoritative record and copies created for requests and answers from public.

It would be important to go deeper on these and other issues related with identification of records, the office of responsibility to create and maintain them as well as retention and disposal criteria in order to establish proper records guidelines for both transparency functions and access of information requests which would be useful for the new platform records and avoid putting at risk trust of the citizenship in its government.