



THE OMBUDSMAN OF THE REPUBLIC OF ANGOLA

“DOCUMENT AND ARCHIVE STORAGE” Webinar

Structure of the presentation :

Introduction

- I. Document Management Framework
- II. Ombudsman's Archives Management
- III. Challenges and Perspectives

Final considerations



مركز بحوث الرقابة الأفريقي
African Ombudsman Research Centre
Centre de Recherche des Ombudsmen Africains
Centro de Investigação da Provedoria de Justiça Africana



منظمة الموفقين والوسطاء والرقابيين الأفارقة
African Ombudsman and Mediators Association
Association des Ombudsmen et Médiateurs Africains
Associação dos Ombudsmen e Mediadores

Biographical summary

Holds a Degree and a Master's Degree in Law from the Law Faculty of the Agostinho Neto University.

Is trained in Legal Opinions, Legistics and Compliance.

Is specialised in Legal Advice and Consulting, Contracts, Economic and Social Analysis, Public Management, Human Rights and Mediation and Extrajudicial Dispute Resolution.

Is trained in Senior Leadership and Institutional Integrity (ENAAP), in International Human Rights Law (CDH - University of Oslo), and has Training for Human Rights Trainers (IGC - University of Coimbra).

Has a Postgraduate in Public Administration and Management, in Corporate Law and in Municipal Law and Local Finance (CPPPGL / UAN).

Has worked as a journalist, lawyer and consultant in management and public policies.

He is a writer, trainer and lecturer.

Was the former Secretary of State for Culture.

Has coordinated the Technical Group for the process of drafting the Angolan General Law on Archives and related diplomas.

Is currently Deputy Ombudsman of the Republic of Angola.



**AGUINALDO GUEDES
DA COSTA CRISTÓVÃO**

**DEPUTY OMBUDSMAN OF
THE REPUBLIC OF
ANGOLA**

+244 923321166

aguinaldo20@hotmail.com



مركز بحوث الرقابة الأفريقية
African Ombudsman Research Centre
Centre de Recherche des Ombudsmen Africains
Centro de Investigação da Provedoria de Justiça Africana



منظمة الموفقين والوسطاء والرقابيين الأفارقة
African Ombudsman and Mediators Association
Associação dos Ombudsmen e Mediadores

INTRODUCTION

The topic on document and archive management within the scope of the Ombudsman's activity is a current issue. The dynamics that we have witnessed over the years, arising from the need to extend the Ombudsman's services and the challenges related to the passing of testimonies between teams, require these institutions to be more rigorous about their document management activity, given that the main core of their documents are related to complaints and statements from citizens and institutions.

For this reason, we applaud the President of AOMA and AORC for the initiative to discuss this important topic, to which we will contribute with our approach on the vision and experience of the Angolan Ombudsman.

I. DOCUMENT MANAGEMENT FRAMEWORK

1.1. The conceptual issue: Document and Archive.

A DOCUMENT is a group consisting of a support and the information it contains, usable for consultation purposes or as evidence (Rousseau and Couture, 1998, p. 287)

ARCHIVE: (obj.) a set of documents which, irrespective of their nature or support, are produced and stored over time by natural or legal, public or private persons in the course of their activities; (subj.) the institution where documentation is collected, preserved and archived for use.

II. DOCUMENT MANAGEMENT FRAMEWORK

1.1.1. Document Management

Document management integrates various solutions, such as digitalisation and inclusion of new communication technologies that make it possible to manage all the information contained in documents in an unstructured manner. **Artificial intelligence is part of the most current solutions for managing citizens' complaints processes, taking into account the need to automate processes and, consequently, to speed up the Ombudsman's procedural processing.**

I. DOCUMENT MANAGEMENT FRAMEWORK

1.1.2. Phases of document management

Document management has three phases:

1. **PRODUCTION** - includes the acts of the entity that originates the documents and their respective contents, both from physical and digital support.
2. **UTILIZATION** - includes the administrative procedures inherent to the processing, namely the reception, classification of documents, distribution, storage, consultation and recording..
3. **DESTINATION** - includes archival procedures, from evaluation, elimination, transfer, collection and microfilming or digitalization.

I. DOCUMENT MANAGEMENT FRAMEWORK

1.1.3. Forms of registration of correspondence

- a) Book registration;
- b) Registration in copier system (no. and date);
- c) Microfilming;
- d) Scanning;
- e) Software for correspondence registration;
- f) Database;
- g) Computer registration.

The organisation and management of documents and archives is associated with the size of an institution and the volume of documents produced. Small institutions can simply digitise their holdings and structure the information within a storage system.



I. DOCUMENT MANAGEMENT FRAMEWORK

1.2 . What is the importance of document and archive management?



The Ombudsman's activity requires, as in all entities of a procedural nature, in-depth knowledge of document and archive management techniques in order to avoid bureaucracy and lack of promptness.

I. DOCUMENT MANAGEMENT FRAMEWORK

1.3. Legal framework: Habeas Data

According to Article 200(4) of the Constitution of the Republic of Angola, under the heading "Rights and Guarantees of the Public Administration": **Individuals are guaranteed the right of access to administrative archives and records, without prejudice to the provisions of the law on matters relating to security and defence, state secrecy, criminal investigations and the privacy of individuals.**



I. DOCUMENT MANAGEMENT FRAMEWORK

1.4. General regime of the right of access to information.

The Principle of habeas data (from Latin: that you have your data) is enshrined in the Constitution as a general regime of right of access: Citizens have the right to receive from the Public Administration information of particular or collective interest, arising from archival documents, having for this purpose, the right of access to documents collected in the archives of the National System of Archives, whatever the respective support. In Angola under following legislation:

- a) Law No 11/02, of 16th August, Access to Administrative Documents Law
- b) Decree-Law No. 16-A/95, of 15 November, on the Rules of Procedure and Administrative Activity (Article 35)

I. DOCUMENT MANAGEMENT FRAMEWORK

1.5. Restrictions on the right of access to documents

The right of access may be restricted or denied in the following cases :

- a) Confidentiality;
 - Classification of documents
 - Personal data
- b) Technical needs of processing
- c) Organisational reasons;
- (d) security reasons.
 - State Secret



Habeas Data

I. DOCUMENT MANAGEMENT FRAMEWORK

1.6. Professional secrecy as a duty of the Ombudsman

Secrecy is an ethical and legal standard related to the duty, regarding certain documents or files that the professional has under his responsibility, to approach, disclose, pronounce on or make value judgements about them. It is aimed at protecting private life or public interests protected by law. Article 14 of the LOEPJ enshrines secrecy as an Ombudsman's Duty.



What is the basis of secrecy?

Limit or restrict access to information and documentation in order to protect other rights.

I. DOCUMENT MANAGEMENT FRAMEWORK

1.7. Documents considered to be confidential

The documentation whose disclosure puts at risk the security of the State and of society, as well as that referring to the protection of personality rights, such as:

- a) Inviolability of privacy;;
- b) Private life;
- c) Honour;
- d) Image of persons..

It is considered as

Confidential.

I. DOCUMENT MANAGEMENT FRAMEWORK

1.8. Classification and restriction periods.

All institutions have a department whose duties include the receipt and dispatch of documents and the processing of their documentation. The process obeys its own rules and techniques, starting with document classification rules. Thus:

- a) **Very secret:** up to thirty (30) years; ;
- b) **Secret:** up to twenty (20) years;
- c) **Confidential:** up to ten (10) years;
- d) **Reserved:** up to five (5) years.



II. MANAGEMENT ARCHIVE OF OMBUDSMAN'

2.1. About Archive Management.

Efficient archival management of the Ombudsman's services is indispensable to provide a response to the citizen who after months or years has his case re-attributed, to group the information for statistical purposes and to identify complaints through logical criteria, such as name, identification document, location or nature of the subject, regardless of time, date, form or support. For the Ombudsman, archival management is the best safeguard of the information management it receives.

II. MANAGEMENT ARCHIVE OF OMBUDSMAN

2.2. Essential and Complementary Legislation

The management of archives by the Ombudsman's services in Angola is governed by the following legislation:

- Constitution of the Republic of Angola;
- General Law of Archives - 14/17, of 7 August;
- Cultural Heritage Law - Law 14/05, of 7 October;
- State Secret Law - Law no. 10/02, of 16 August;
- Law of Access to Administrative Documents - Law 11/02 of 16 August
- National Security Law - Law 12/02 of 16 August;
- Personal Data Protection Law - Law 22/11 of 17 June

II. MANAGEMENT ARCHIVE OF OMBUDSMAN

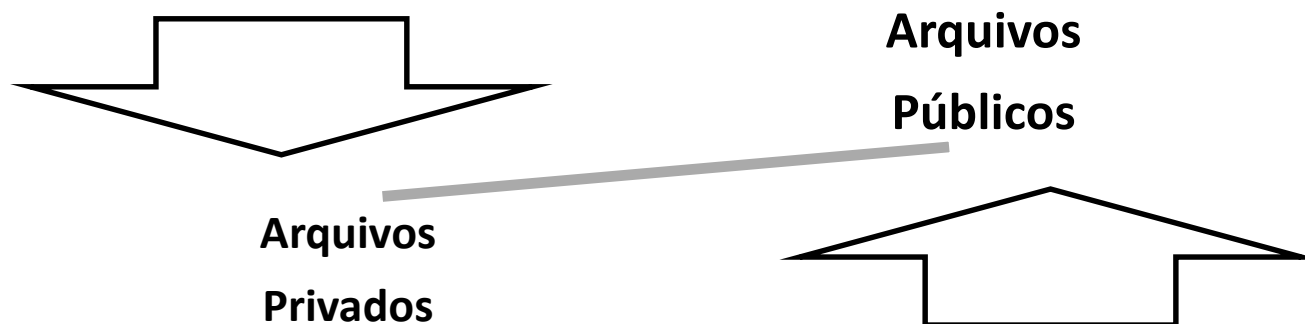
2.3. Scope of application of the Angolan archives regime :

- a) Documents and archives produced by or coming from
- b) Natural or collective, public and private, national or foreign persons
- c) Produced or existing in the Republic of Angola and to those that, being outside the territory of the Republic of Angola
- d) Should be considered its property and/or can be returned to it,
- e) Whatever their medium.

II. MANAGEMENT ARCHIVE OF OMBUDSMAN

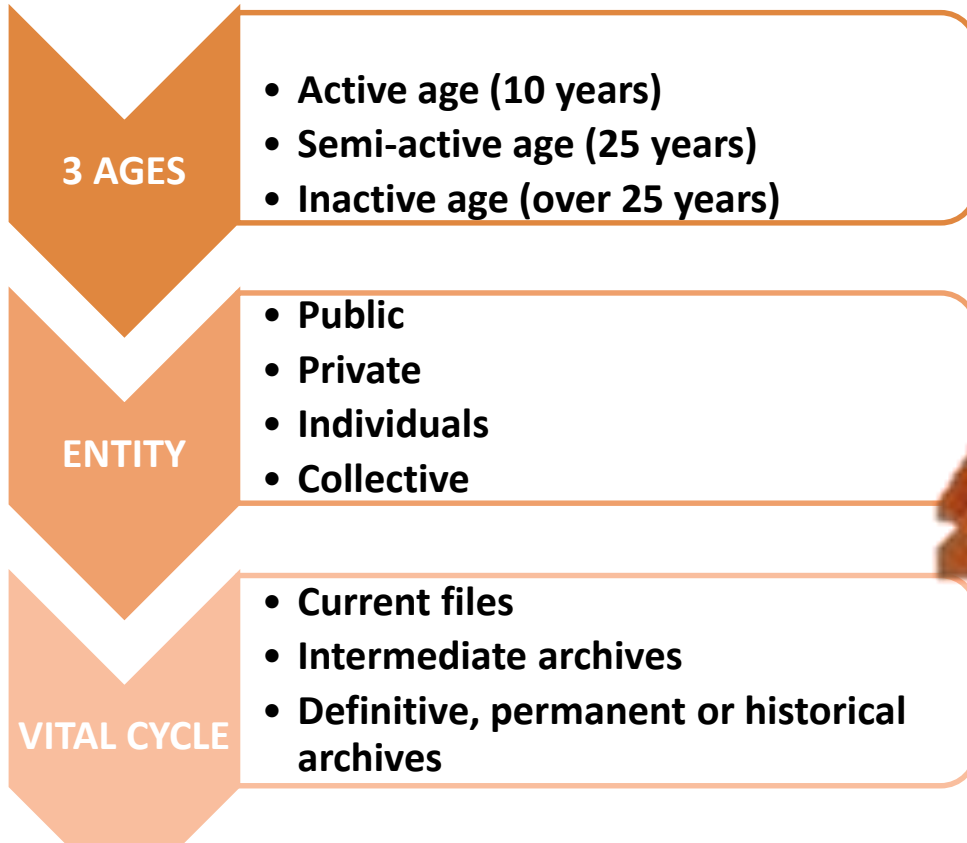
2.4. Principles and Regime for the custody of Archives

Archives are governed by the principles of provenance, relevance, three ages and territoriality. To these, Angolan legislation has added the principle of truth, incorporating a presumption of the veracity of the archives that exist or can be identified. In general, the Ombudsman's Office archives apply these principles by analogy to the rules used by the Sovereign Organs.



II. MANAGEMENT ARCHIVE OF OMBUDSMAN

2.5. Classification of Archives



II. MANAGEMENT ARCHIVE OF OMBUDSMAN

2.6. The case of the Ombudsman Office of Angola

The Angolan Ombudsman's Office has a physical archive, dedicated to the organization and storage of documents. The physical file is located in the Archive and File Section of the General Secretariat of the Ombudsman's Office. The document management mechanism includes document management software (known as OWNET) and an IT solution is currently being prepared for the management of complaints, linked to both the institution's portal and the call center. In this case, in Angola, the management of the Ombudsman's Archives integrates printed and digital documents.

III. CHALLENGES AND PROSPECTS

3.1. Implementation of the Digitisation Mechanism and Databases

The Ombudsman's Offices should adopt policies of digitalisation and computerised management of documents in order to allow better control and faster internal and citizen access and processing. In contrast with the need to increase the number of staff in the Ombudsman's offices, the artificial intelligence mechanisms are assumed to be faster solutions to respond to the citizen's daily questions. **On this matter, good practices recommend that the digitised document should not substitute the original.**



III. CHALLENGES AND PROSPECTS

3.2. Adoption of best practices on Document Shredding

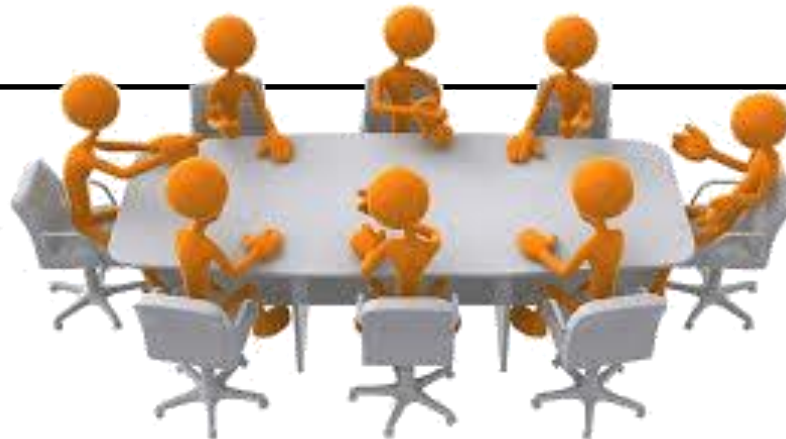
As recommended by the good practice of archive management, applicable to the Ombudsman's institutions, archival documents in the public institutions should not be destroyed without consideration by the Permanent Evaluation Commission and approval by the NRO, in accordance with the law. The cases of authorization for destruction of documents of public interest are exceptional. **Hence, the relevance of document classification in the use phase.**



III. CHALLENGES AND PROSPECTS

3.3. Creation of a Permanent Evaluation Committee

The Ombudsman's Office should establish Permanent Evaluation Commissions, composed of professionals from the permanent staff, who should have adequate training, qualification and capacity, with the aim of evaluating the value of the documents, based on a table of temporality and on the legal prescription periods, under the terms of the legislation or archival rules.



III. CHALLENGES AND PROSPECTS

3.4 . Creation of safe custody and storage units

One of the challenges faced by most Ombudsmen is the fact that they are installed in buildings that are adapted and not suitable for an Ombudsman's Office, under the terms of the Venice Declaration. To this effect, it is recommended that the documentation to which access is restricted, or even the citizens' documentation that has already been archived, may have its own space for future consultation, if applicable.



CONCLUDING REMARKS

- The approach to document and archive management presupposes an internal analysis for the Ombudsman's principles of legality, accessibility and celerity, while at the same time it fits in with the duty of secrecy and ethics.
- These, presuppose the existence of qualified human resources, not only in the legal field, but also in the administrative field, which is an indispensable competence of the Ombudsman's work and of its employees and administrative agents.
- For this reason, the Angolan Ombudsman has praised the role of the AORC in providing continuous training to its members.

CONCLUDING REMARKS

- Poor classification of documents, violation of the provisions regulating document and archive management procedures, the disappearance of documents in the institutions in general, is linked to the shortage of human resources trained in document management, non-computerisation of data, lack of material security conditions in the respective institutions.

THANK YOU VERY MUCH



PROVEDOR DE JUSTIÇA

E-mail: provedor@provedordejustica.ao

Website: www.provedordejustica.ao