



Government records and records management: Law on the right to information in Turkey

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Available online 2 January 2007

Abstract

Operating of the laws on right to information is related to effective management of government records and information having social value. This article contains the relation of government records and records management considering the role of records management at institutions in execution of law on right to information in Turkey, and the evaluation of Turkish Law on the right to information that came into force in 2004 in view of records management and archival approaches.

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Keywords: Government records; Records management; Turkish Law on the right to information

1. Introduction

The creation and use of government records seems to be an institutional behavior, but in fact it has a social value. Law on right to information frames an approach determining the social value of government records.

Right to information acts, in accordance with the principles of equality, impartiality, and openness that are the necessities of a democratic and transparent government are prepared and put into force in order to regulate principles and procedures related to the obligation of public

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bodies to provide information and right to information of individuals. The basic source of right to information is government records.

“Today it is a recognized principle that the information held by public bodies is in the public domain belonging to all citizens, and therefore it is their obligation to ensure free access to this information” (Milenkovic, 2004).

There are two aspects of right to information acts. On one hand, they obliged institutions to give information, and on the other hand they gave the citizens the right to information.

In this context, right to information acts guarantee access to the government records, and records management units of the institutions carrying out the studies and applications relating to the management of government records are the guarantors. In other words, the achievement of freedom of information is linked with the quality of records management at institutions.

Various domestic and foreign pressures had an effect on the adoption of freedom of information acts. In most countries, media and environmental groups supported these acts and played an important role in the adoption of them. International organizations have also realized the importance of right to information in the modernization of governments and they strived to achieve this.

“Over fifty countries around the world have now adopted comprehensive Freedom of Information Acts to facilitate access to records held by government bodies and over thirty more have pending efforts. While FOI acts have been around for several centuries, over half of the FOI laws have been adopted in just the last ten years” (Banisar, 2004).

Legalization of freedom of information acts is just a beginning. As long as they are not applied because of several shortcomings there is no meaning to it. For an effective application, governments should change their understanding of government and their inner culture. The matters like governments’ resistance to providing information, their long delays, shortcomings of the institutions in organizing information sources, and providing access to them all show the difficulties in the application of the acts. That there is a law does not necessarily mean it will enable continuous access.

2. Government records and records management

We can define government records as follows: all kinds of documents created, received, and used without looking physical form or characteristics of an institution while carrying out its natural activities and legal obligations.

“Records management: Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records” (ISO, 2001).

The aim of records management is to handle from the creation stage all the records created as a result of institutional activities, and to evaluate, organize, and when needed enable access to these records.

For this reason, in public administration, the organisation of a unit in an administrative structure of the institution, responsible for the flow of records, occurring from the natural

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