

EU STANDARDS - MEMBER STATES' SOLUTIONS THE CHANGES OF THE LEGAL FRAMEWORK AND THE ADOPTION OF MOREQ IN HUNGARY

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Zoltán Szatucsek: EU Standards - Member States' Solutions - The changes of the legal framework and the adoption of MoReq in Hungary. Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja. Zbornik referatov z dopolnilnega izobraževanja, Maribor 7/2008, str. 399-404.

Izvirnik v angleščini, izvleček v angleščini in slovenščini, povzetek v slovenščini.

In Hungary a significant project ran between 2003 and 2005 to modernize the records management structure at the highest level, and harmonize their components with the EU directives. The project had two principal results. To supervise the governmental records the Government Records Management Authority was established and the simplified MoReq specification became the part of the legal framework. Beside this an accreditation system was established to audit the ERMS used in public sector based on state accredited private companies. While the new elements straightened the control in the early stage of the lifecycle of the records we must achieve further progress in the system. We have to make a more exact division of work between the archives and the GRMA, and develop the accreditation process giving wider responsibilities to the archives. The Hungarian accreditation system also has to react somehow to the planned MoReq2 Compliance Testing. The author also mentions that some problems arise from the adoption of the specification itself.

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Med leti 2003 in 2005 je na Madžarskem potekal projekt modernizacije strukture upravljanja z dokumenti na najvišjem nivoju kot tudi usklajevanja njenih komponent z določili Evropske Unije. Projekt je prinesel dva pomembna zaključka. Za nadzor nad vladnimi dokumenti je bil ustanovljen Vladni urad za upravljanje z dokumenti, v zakonodajo pa so bile vključene poenostavljene specifikacije Moreq. Poleg tega je bil vzpostavljen sistem akreditacij zasebnih podjetij, na podlagi katerega se vrši nadzor nad uporabo elektronskih sistemov za upravljanje z dokumenti v javnem sektorju. Medtem ko so novi elementi poostriili nadzor nad zgodnjo fazo življenjskega cikla dokumentov, pa moramo v sistemu doseči več. Narediti je potrebno bolj natančno ločitev dela med arhivi in vladnim uradom ter razviti proces akreditacij, ki bo arhivom dajal več odgovornosti. Madžarski akreditacijski sistem se mora odzvati tudi na načrtovano testiranje skladnosti z Moreq2. Avtor omenja tudi nekaj težav, ki jih je povzročil sam sprejem specifikacij.

Ključne besede: evropski standardi, Moreq, madžarski arhivi, upravljanje z dokumenti.

THE SUCCESS OF THE KEIR PROJECT 2003-2005

In the last two decades records management and its environment dramatically transformed. Followed by the changes of the society, technology and government structures, the governments are looking for solutions for the preservation of the

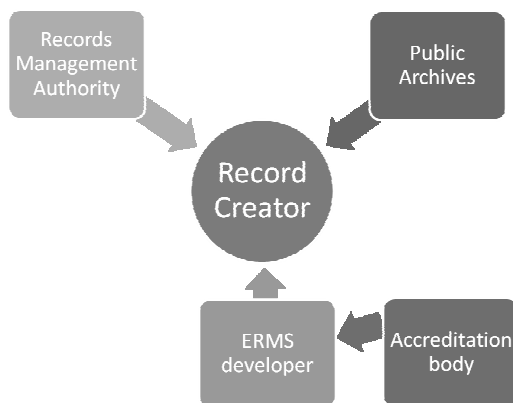
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contemporary written heritage in cooperation with archives. In Hungary a significant project was running between 2003 and 2005 to modernize the records management structure at the highest level, and harmonize their components with the EU directives. The project started in November 2003, with the cooperation of the Prime Minister's Office responsible for the records management in general, the Ministry of Internal Affairs, responsible for the national confidential records, the Ministry of Defense, responsible for the NATO and EU confidentials, the Ministry of Informatics and Telecommunication, responsible for the technological regulation of communication systems, the Ministry of National Cultural Heritage, superior of the public archives and the Ministry of Justice, responsible for legal harmonization.

The long list shows some of the primal obstacles of efficiency: the exceedingly decentralized processes and parallelism of competences. The project had two principal results. To supervise the governmental records management a new organization was established. The Government Records Management Authority, under the umbrella of the Ministry of Internal Affairs, filled the gap in the control of the non-permanently preserved records. Prior to that, the PMO had a responsibility, but it had not proved particularly active.

The GRMA had a specific responsibility: besides the general regulation, it had to approve the agencies' relevant policies and make regular control of record creators. The other important step was the adoption of MoReq. The specification backed by the European Commission became a successful and fundamental document in the planning phase of the ERMS. Although there are similar standards around the world from Canada to Australia, Moreq is the first international standard. Its success is illustrated by the fact that it has been translated into 13 languages.

The TNA 2002 model already incorporated a number of key requirements from MoReq, also DOMEA in Germany, NOARK in Norway are moving towards Moreq and the recommendation was adopted as the technical part of a national standard in Slovenia. In 2005 as a result of the above-mentioned Hungarian project, the simplified version of MoReq recommendation became a component of the legislation framework. Since then all new ERMS applications in the public sector had to comply with these requirements. To audit the software, a system was established based on state accredited private companies, whose business model was widely spread for quality control in Hungary in the different areas of the public sector from language exams to food safety. At present there are four companies accredited by the National Accreditation Body for this activity.



Generally the control on the record creators has strengthened. Today not only the archives but also a ministry level organization has an eye on the records management, which involves the promise for raising the quality of archival acquisitions. The GRMA plays an active role in the regulatory work. The previously slow reacting legal framework is changing every year now, giving the opportunity for the flexible adaptation to the permanently changing institutional, technological and

professional environment. The accreditation is the third component of the control structure, and the MoReq adoption means that Hungary is actively looking for the opportunities to deepen the integration process.

NEW PROBLEMS AND STUBBORN DIFFICULTIES

Two years after the project, we also had to enumerate new problems raised by the system. The GRMA became strong because it worked with the influence of a ministry, but compared to the archives, it has fewer experiences in records management. After the government changes in 2006, GRMA started to work in the Ministry of Local Government and Regional Development which has a less important role in central governmental issues than its predecessor, the Ministry of Internal Affairs. The GRMA has limited staff as opposed to its wide range of responsibilities, and the competencies of the GRMA and the archives cannot be distinguished properly. Nevertheless, a kind of division of work is forming between the two participants, for example in the approval of policies the GRMA concentrates on legal issues while the archives on the records management process.

Some problems arise from the adoption of MoReq. Needless to go far, there are difficulties caused by the translation and application of the definitions, and not only the usual interpretation problems of the record-file-documentum in the electronic environment. The Anglo-Saxon records management tradition hardly adaptable to the Central European environment, the specification had certain elements, which are unknown to our systems. The retention schedule in Hungary is very simple in comparison to the multi-dimensional retention periods the MoReq requires. Consequently it would not be easy to force our record creators to accept

it. In the course of the adoption we had to simplify the original version in many fields. The MoReq contains 390 requirements - the Hungarian regulation has 92, contrary to the 127 metadata elements, we have only 49, also the MoReq specification takes up 100 pages, while our document only 10. The original purpose of the MoReq was to be a kind of a guideline for the record creators in the planning phase of the software development process, but by the success of the document, countries have started to use it not as recommendation but as obligatory requisition. This raises new problems for the universal adoption (different countries, institutions with different complexity), which forced the developers to lessen the strictness with the inauguration of the zero chapters, and consider the development of a „MoReq light”.

We must seek further progress in our compliance testing. Some argue that the market-directed process questions the quality of the accredited product where the audited companies are competing for contracts. Secondly, in the process a general product is certified not the actual implementation. We do not have information whether it leads to problems, because, and this is also a questionable element of the system, the archives have no feedback from the accreditation process. Neither the GRMA nor the archives have daily experiences with the products, and therefore the archives have limited influence on keeping regulations up to date in this constantly changing environment.

The rules of accreditation apply only to the „electronic records management systems”, not to databases. But present law defines records in such a way that format or structure is irrelevant. Most of ERMS are technically databases, but in many contemporary information systems the classical records are dissolving. Mainly the

administrative actions of the state - creating a massive bulk of data - are breaking with the unity of the traditional paper based record. For example, when the National Transport Authority registers the motor vehicle owner's application for the regular technical test, they do the test promptly and the positive test results in no formal permit or certificate - neither in paper nor electronically - only a tick in the appropriate checkbox made by the officer. Although we are not over the record-documentum-file definition problems - the data, created in this way, are records, and the system in which they are produced is ERMS.

The Hungarian accreditation system has to react somehow to the planned MoReq2 Compliance Testing. The national level supplementary testing, proposed by the Slovenian delegate in the DLM Member Meeting in Lisbon in November 2007, met resistance from the defenders of the open EU software market. Amid the overall enthusiastic reception of the MoReq2, the Hungarian experience also warns to the potential difficulties of the inauguration. More and more record creators are afraid of the costs caused by the binding standard. From the 1st of January 2007 accredited software could be implemented only, and 2008 was the deadline for the software being used. The latter has been postponed to 2009 while many public record creators are searching for loopholes in order to get off less expensive. The lawyers of the Hungarian National Bank or the Government Debt Management Agency proclaimed that these organizations are not public record creators. Many others argue their application is not an ERMS but a database. There are also massive, reliable systems working for long time which have to make fundamental changes and build in never used components to their systems to meet requirements formally.

While we have advanced in the control of records management, some other areas remained problematic. The shortened institutional lifecycle has a serious impact on the records, especially on electronic records. Only two out of six ministries, which participated in the records management reform project (KEIR) in 2003, still exist today. We, archivists, are trying to form a systematic pre-ingest activity, but actually we are chasing after the records with more or less luck. It is hard to get rid of the physically existing papers, but the simple carelessness could cause irrevocable losses to the electronic records. The other consequence of the rapid inner and outer transformations of the electronic record creators is that the connection between the creator and the archival fond became more complex. One database or ERMS contains data of several creators. In 2006 during the transformation (simplification) of the ministerial system, many records management systems of ceased ministries were migrated to the merged system of the descendant ministry.¹

The obvious solution would be the registry of ERMS in the public sector based on obligatory notification toward the GRMA and the shorter acquisition period², which meant the increasing roles of the archives in the active period of the records, raising both practical and theoretical problems. MoReq2 has requirements for hybrid records, but we found that the question cannot simplify the problem of different media. The NAH launched a research in 2005 on the electronic record keeping practice of government bodies. A mixed system with hybrid records was found almost

¹ Szatucsek Zoltán: *A kormányzati szerkezetátalakítás és az elektronikus iratok*. *Archival Review* 2006. 2. pp. 24-30.

² Jan Dalsten Sørensen: *From IT System to the Archives*. In: *Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja*. 4. zbornik, Maribor. 2005.

everywhere. But this means not only the parallel usage of paper and electronic records, but also a kind of functional coexistence. The electronic records have a strong communication and registry function, and the papers are kept mainly for documentation, authenticity and short-term usage. The dividing purposes cause changes in the content of the records as well. The case files do not contain the whole decision process, but only their results. The files became meaningless without the drafts and instructions.

SOME GENERALIZATIONS

The increasingly complex bureaucracy, the fast growing and quickly spreading communication technologies are forcing the archives to react by trying to intrude at the early stages of the records management process. The life-cycle concept and the interventionist idea articulated first in the US where the records manager and archivist professions were born simultaneously under the pressure of the enormous quantity of WWII records.³ „The management of records, from the time of their creation up to and including the time they are accessible in an archival agency is essentially one process and one problem for the solution of which the archivist and the records administrator must cooperate.” stated Ernst Posner shortly after the war.⁴

In Central Europe this principle interweaved deeply with the centralization efforts of the political regimes. In Hungary after the fall of the extremely centralized early 50s, the framework of the archival roles formed in 1969. From the sixties, the supervision of the creation and handling of the public records became a duty of the archives. The current Hungarian Act on Archives is also not exclusive about the public archives but in its approach integrates the whole lifecycle of all public records.

But there is an immense contradiction between the renewal of interventionism in archival theory and the actual place of the archives in the society. In the more and more complex environment many factors undermine the belief in the total archives concept. Beside the overall skepticism of the postmodern era on centrally manageable cultural content, the changing technologies, and the desire for less expensive and more efficient government institutes are affecting the societies. Decisive actions are increasingly falling outside our sphere of influence while the efficiency of the traditional control methods is declining. We have to face our loosening impact on record creating. David Bearman has suggested that archives must abandon their “custodial identity, assumptions, and methods of operation.” The managers of archives need to see themselves not as custodians but as policy makers or auditors, or else they risk being “politically irrelevant, professionally inadequate, economically unaffordable, and culturally ineffective.”⁵

³ Philip C. Brooks: *The Selection of Records for Preservation*. *American Archivist* 3. October 1940., p. 226.

⁴ Quoted by Karl L. Trever: *The Organization and Status of Archival Training in the United States*. *The American Archivist* 11., April 1948., p. 159.

⁵ David Bearman: *An Indefensible Bastion: Archives as a Repository in the Electronic Age*, in D. Bearman, ed., *Archival Management of Electronic Records, Archives and Museum Informatics Technical Report No. 13*. 1991., p. 23.

The successes of the last decade in the standardization in every sector of the profession from ERMS planning tools to XML descriptive standards, give some hope to be able to get over the current crisis. The experience of the Hungarian archives with the adoption of MoReq shows that the process will not be easy. Both the example of the former colonies or more closely the states of the Austro-Hungarian Monarchy shows: the rigid customs in records management survive generations or even empires. Traditionalism of the archival profession - probably related to the nature of its subject - is also deeply encoded. Perhaps MoReq2 will be accepted fast by the member states but we cannot expect that the practical adoption or the impact in the archives will be seen in a short time. One thing is evident: only some of the strongest member states can afford to create and maintain such kind of standards alone for a long time. For the others the adoption of EU or international standards is the only way to accommodate the lifecycle principle with the growing desire for cheaper and more efficient archives.

POVZETEK

EVROPSKI STANDARDI - REŠITVE DRŽAV ČLANIC. SPREMEMBE ZAKONODAJE IN SPREJEM SPECIFIKACIJ MOREQ NA MADŽARSKEM

Med leti 2003 in 2005 je na Madžarskem potekal projekt modernizacije strukture upravljanja z dokumenti na najvišjem nivoju kot tudi usklajevanja njenih komponent z določili Evropske Unije. Projekt je prinesel dva pomembna zaključka. Za nadzor nad vladnimi dokumenti je bil ustanovljen Vladni urad za upravljanje z dokumenti, v zakonodajo pa so bile vključene poenostavljene specifikacije Moreq. Poleg tega je bil vzpostavljen sistem akreditacij, ki vrši nadzor nad uporabo ERMS v javnem sektorju. Medtem ko so novi elementi poostriili nadzor nad zgodnjo fazo življenjskega cikla dokumentov, pa moramo v sistemu doseči več. Narediti je potrebno bolj natančno ločitev dela med arhivi in vladnim uradom ter razviti proces akreditacij, ki bo arhivom dajal več odgovornosti. Madžarski akreditacijski sistem se mora odzvati tudi na načrtovano testiranje skladnosti z Moreq2. Avtor omenja tudi nekaj težav, ki jih je povzročil sam sprejem specifikacij.

Kot splošen zaključek članek poudarja nasprotje med večjimi odgovornostmi arhivov v bolj kompleksnem okolju in dejansko pozicijo arhivov v družbi. Poleg vsesplošne skeptičnosti moderne dobe glede centralnega upravljanja kulturne vsebine, na družbo vplivajo še spreminjajoče se tehnologije in želje po cenejših in bolj učinkovitih vladnih ustanovah. Odločujoča dejanja se vse bolj oddaljujejo od vpliva arhivske sfere, medtem ko učinkovitost tradicionalnih metod za nadzor pada. Soočiti se moramo z dejstvom, da izgubljammo vpliv na nastanek dokumentov. Ena izmed možnih odzivov je standardizacija, vendar si v Evropi vpeljavo in vzdrževanje močnih standardov lahko privoščijo samo najmočnejše države članice. Za ostale je sprejetje evropskih ali mednarodnih standardov pot do prilagoditve principa življenjskega cikla vedno večjim željam po cenejših in bolj učinkovitih arhivih.