

The implications of the General Archives Law regarding records management in Mexico

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Abstract. The text will show the development of the trajectory towards a General Archives Law in Mexico and the infrastructural needs necessary for its fulfillment. Records management is a priority in order to implement the National System of Transparency and Anti-corruption. Regarding the aspects of the law, document management is analyzed here as one of the fundamental Archival methods to achieve the objectives set out by public policies on the matter; its interpretation, scope, claims and some limitations are addressed. Through document analysis and document management the conclusion is reached that as long as financial and professional resources are not allocated to document management, neither the law nor the citizens' right to information will be complied with.

Keywords: Records management, Archival Administration, General Archives Law, Regulatory Harmonization Archives and General Archive of the Nation.

Summary. 1. Introduction. 2. General Context. 3. Records management. 3.1. Record Identification. 3.2. Record organization. 3.3. Record valuation. 3.4. Record description. 4. Implications of records management in Mexico. 5. Conclusions. Bibliography.

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1. Introduction

In the context of the society of information, the world needs to “adjust its constitutional frameworks with the objective of incorporating the new universal rights to information”. A phrase that Hernández and Flores rescued from Bovens a few years back (Hernández & Flores, 2013: 26). Because it happens that, despite the resistance many governments show to making their administrative processes more transparent, the design and promulgation of dispositions tending towards the legalization of processes of transparency and access to information in various latitudes began to be glimpsed some time ago. In a report published by *Privacy International* titled *Freedom of Information around the World 2006*, a study showed that, up to that point, 70 countries had published transparency and access to information laws. Surprisingly, almost 50% of them had entered into force since the year 2000, (Banisar, 2006: 6), which reflects an abrupt irruption in this context towards the beginning of the 21st Century. Nowadays, we can count more than 122 countries that have joined this collective according to the data from *Global Right to Information Rating* (2019), positioning Mexico’s law in second place after a valuation of its content.

The social demands of access to public information have the records as a primary input, which is why such demands have given way to the promulgation of laws on this subject, derived from the importance of administrative documents, in contrast to the opacity that reigned in previous times (it so happens that, from the positions of Izcóatl and Fray Diego de Landa to the present day, the destruction of documents and, with them, of information, has not changed). These dispositions promote access to those documents that endorse political decisions, which constitutes a profound transformation of the social function of the records. Currently, Ibero-American countries recognize the value of records as a means to promote national identity and to establish more informed societies. But the best law of transparency and access to information loses all meaning if there are no documents to be consulted or if they are in such a state of disarray that accountability becomes impossible to enforce. It is true that the laws by themselves do not represent a guarantee for the exercise of this right, it is necessary to take a look at the past to become aware of the vicissitudes that the Archives have gone through and observe closely the very lamentable conditions in which their documents are in, and the place they occupy in the hierarchy of the Public Administration, at least in Mexico. In this country, despite the creation almost two decades ago of a law of transparency and access to information, there is still a precarious tradition today where document management is concerned.

The fast publication process of a legal framework in Mexico that guaranteed, not just accountability, but also transparency and access to information, was the result of a diversity of factors, amongst which we could mention the sudden proliferation of new democratic regimes; the pressure exerted by international financial institutions so that countries would enact these types of laws; the strengthening of regional free trade associations; the great heyday that information and communication technologies (ICTs) have had in recent times; the promotion of anti-corruption agendas that sought to raise the quality of Public Administrations in various nations around the world; pressure from civil society and academia; and the implementation of strategies to legitimize new governments, among others.

Two decades ago, discussions regarding the right to access information began to take place in Mexico, which allowed legislations to be passed in this regard, resulting in the publication of the *Federal Law of Transparency and Access to Public Governmental Information* in 2002 (H. Congress of the Union, 2002) and the *General Law of Transparency and Access to Public Information* in 2015 (Chamber of Deputies of the H. Congress of the Union, 2015), as well as the *Guidelines for the organization and conservation of the archives of the dependencies and entities of the governmental public administration* (General Archive of the Nation; Federal Institute of Access to Public Information, 2004).

As result of this, the General Archive of the Nation elaborated a series of tools that would define a methodology for organizing, evaluating, and describing the archival documents of this country. But why are archival documents still not being managed correctly? For governments to be held accountable, they must promote and guarantee a transparent political exercise, beginning with allowing access to the information embodied in the archival documents that are transferred and deposited in the public archives, since they are the ones that testify, demonstrate and report on the day-to-day actions of the administrations. Since the promulgation of this legal framework, a strong impulse was given to the Archives. This context led to the creation of a *Federal Archives Law* (H. Congreso de la Unión, 2012), which would govern the organization and preservation of documents that had been produced for years beforehand. It was recently superseded by the publication of the

General Archives Law, whose archival regulation intends to permeate not only towards the federal field, but also towards the state and municipal fields, in its public and private spheres. This law was approved on April 26, 2018, in the Chamber of Deputies of the Mexican government and published in the Official Gazette of the Federation on June 15 of the same year, after the initiative that was launched by the Senate on November 17, 2016. As of June 15, 2019, its execution was materialized with the objective of:

“establishing the principles and general bases for the organization and conservation, administration and homogenous preservation of the archives that are in possession of any authority, entity, organ or organism of the Legislative, Executive and Judiciary powers, autonomous organs, political parties, trusts, and public funds, as well as any physical or moral person or syndicate that receives and exercises public funds or carries out acts of authority for the federation, federal entities, and the municipalities” (Chamber of Deputies of the H. Congress of the Union, 2018: 1).

Although it is a legal disposition of recent creation and implementation that took many years of study for its design, its final content has not been studied with enough rigor.

However, it should be established that, for its study, the General Law of Archives can be divided into four themes, that do not necessarily correspond with the structure presented, but rather with the way in which the aspects included in it can be studied, these are: a) records management, b) archival administration, c) archival culture, and d) the role the General Archive of the Nation plays in this scenario. It is necessary to analyze each one of them in a detailed manner, this text's intention is to focus its attention on the first, that is, in records management, in order to interpret the provisions of the law and establish its scope and claims. To do this, it is necessary to utilize as the primary method of study the classic document analysis, employed in the exhaustive inquiry of specialized literature for the creation of the theoretical-conceptual and methodological body of this document. But, at the same time, it's necessary to resort to what the records management method itself establishes to understand the pragmatic procedures that must be followed to organize the documents in an adequate manner, and, therefore, comply with the public policies regarding accountability.

The text is made up of three sections plus an introduction and some conclusions. The first section addresses the general context, with some background information that provided the possibility of establishing the General Archives Law, as well as the general principles on which it is based. In the second one, records management is addressed as a first step in the production and systematization of information in the archives, here analyses about identification, organization, valuation, and documental description are included.

The third section analyzes the consequences that the implementation of the law with its current conditions has on the archives of the country, highlighting some of the most visible challenges. Particularly, the necessary financial and human resources. Lastly, a brief section of conclusions is presented where the challenges that public administrations face as a consequence of the new normative dispositions and the repercussions of the eventual consolidation of the National System of Transparency and Anti-corruption are exposed.

2. General Context

In the first place, it must be mentioned that the *General Law of Archives* was published on June 15, 2018, replacing the previous *Federal Law of Archives*, and entering into force just a year later.

Homogenizing the processes of organization, conservation, administration, and preservation of the archives of the obliged subjects is the fundamental mission that it poses, as well as establishing the bases for the organization and operation of the National Archives System, all with the intention of safeguarding, disseminating, and guaranteeing access to information on the citizens in charge of public and private institutions that receive and exercise public resources. The goal, therefore, is to administer the Archives and manage its documents to guarantee their free access and distribution, qualities that were impossible to materialize in the 18th century with the reforms that were made in the Archive of the Secretariat of the Viceroyalty. However, with the implementation of the principles of equality and sovereignty during the 19th century, the idea of *diffusion* began to be worked out, which led, among other things, to the creation of the figure of “public Archive”. Nowadays, the disclosure of information is the top priority in governments that pride themselves in being democratic, and this condition is not

indifferent to Mexico, at least since the end of the *neoliberal period*, because since the constitutional implementation of the right of access to information in 2007, today more than ever the opening of the archives that are its main containers is sought out at all costs, as has happened with those of the Movement of '68, those of the extinct Federal Security Directorate (DFS) and to the one that was succeeded by those of the Center for Investigation and National Security (CISEN), to mention just a few. But, in order to access their information it is necessary to perform a series of tasks that include the container (the administration of archives), as well as the content (the records management), in a way that harmonizes the archival labor in the three levels of government (federal, state, and municipal) and in the three branches (Executive, Legislative, and Judiciary), creating with it an archival culture that can be coordinated from the highest archival organism that materializes with the figure of the General Archive of the Nation. And this homologation of the documentary processes leads to the implementation of a National System of Archives, that requires the configuration of a methodology centered in attending to the four aspects mentioned earlier. Next, we will see how the law in question addresses the first one of these and what consequences it has for the country.

3. Records Management

Records management was born as a result of the progressive adoption of the principles of quality and continuous improvement in the business scope and which were regulated through the rule ISO 9001:2000, which had a direct effect in the development of a specific rule about the management of documents: ISO 15489. This document defines the concept as:

the effective and systematic control over the creation, reception, maintenance, use and disposition of archival documents, including the processes of incorporating and maintaining information and proof of the activities and operations of the organization in the shape of documents (International Standard Organization, 2001: 4).

The General Law of Archives had a preference for the definition that had already been formalized in *the Guidelines for the organization and conservation of the archives of the dependencies and entities of the governmental public administration*, which conceives it as the "integral treatment of documentation throughout its life cycle, through the execution of processes of production, organization, access, consultation, documentary valuation and conservation" (Chamber of Deputies of the H. Congress of the Union, 2018: 5) and, as observed, it is not far from the intention of the ISO.

Records management is, therefore, the tool that allows, not just the production and systematization of information, but the selection for further consultation of whichever has better quality and precision in its contents, respecting the principles of conservation, origin, integrity, availability, and accessibility, as the right to access public information cannot be exercised fully if the institutions do not have an effective records management system. This constitutional right implies accountability through the transparency of institutional processes, which is manifested in the act of documenting its functions. Because it so happens that administrative activity stands out for its bureaucracy, which is mandatory, that is, the daily documenting of public action that is done in government organizations, so that the duty to document constitutes the deontological support where the archival document rests and goes beyond the mere fact of keeping a historical memory, the latter understood as "the effort to move from the memory written by the victors, to the history that articulates the part of the vanquished" (Velez, Sierra, Rodríguez and Becerra, 2016: 39).

But, for this to be effective, institutions must have a normative framework that formally regulates its functions. Because, if the members of the institutions do not know them— the functions—, then, how will they know which documents they must generate? The law itself states that:

Article 7. The obliged subjects must produce, register, organize, and conserve the document archives above all action that derives from the exercise of their faculties, competences, or functions according to the established in the corresponding judiciary dispositions (Chamber of Deputies of the H. Congress of the Union, 2018: 7).

Hence, all public acts exercised by the obliged subjects must be not only documented and registered but organized and preserved. But, how to document and record functions in the first place? This is a question that

has been addressed scarcely, so not only does it lack a clear answer, but it is also difficult to establish a common methodological procedure applied by the obliged subjects that the legal provision refers to if the real intention is truly to transcend towards the homologation of archival processes at the national level in order to eradicate the dispersion of the dissolute practices of yesteryear that put the documentary heritage at risk: "The first major objective of the regulation is the standardization of the principles and bases of minimum treatment of archives" (INAI; AGN; UNAM, 2019: 29).

It should be noted that archival theory has naturally defined hierarchical documentary groupings, from the file, the series, and the section, which should be generated under the same functional origin. Also, there are some artificial groupings, where collections are circumscribed and fictional sections that, of course, oppose the organic nature of the former. In this way, the institutional functions must be documented according to the order established by the documentary groups. Here it should be noted that *documenting* is not *registering* facts, but rather demonstrating processes, making them visible, socializing them, involving a profound understanding of what the institution has done in the past and where it is headed. Documenting, then, is not just a retrospective exercise, but also prospective. To understand the retrospective action, it's necessary to reflect on the documents' reason for existing. It should be noted that their appearance in the planet is situated in the Protohistoric period when merchant transactions became the economic axis of society which derived in an increase of businesses that made it impossible for humans to keep mental accounts. The written documents were then a good instrument of accounting for the debts by the creditor in which the obligation to pay them was established and their fulfillment was verified, otherwise, the debtor was legally proceeded. Hence, they were considered reliable proof of an event. Because the action of proving is defined as "the procedure of verifying an affirmation", that is, of accepting a fact. Therefore, documents became a means of proof that fulfill administrative, legal, accounting, and memorial functions (Moreno, 2001: 10). This makes them a fundamental element for the exercise of accountability and thus transcends the prospective action of the art of documenting.

And they must be managed because, with the passage of time, they have accumulated to such an extent that, if not controlled by archival methods, access to the information contained in them becomes a difficult task. This requires the application of a method created by archival science through which functions can be *identified* and documented based on the documentary groups indicated. It must be made clear that *method* etymologically means "go along the way" (Bochenski, 1981: 28), that is, a path that is travelled. Applying a method, then, consists of acting in a rational manner with an order previously drawn to achieve a certain objective. It is in this way in which the detailed analysis of each one of the institutional functions could lead to a rutinary, sequential, and ordered path that begins with knowing where a procedure initiates and where it ends to determine each one of the indicated functions and begin to derive from each part of the procedure each of the documents that must be generated. Due to this condition, the functional categories of the institution are interrelated and cohesive with the archival categories, thus applying a method that could be called *method of documentary identification*.

3.1 Document identification

Identification was defined in the 1990s and recognized by the Dictionary of Archival Science as:

The process of research and systematization of administrative and archival categories on which the structure of a collection is based, being one of its main objectives to ensure through its results the valuation of the documentary series (Subdirector General of the State Archives, 1995, n.d.).

This process entails the identification of the functions of each one of the institution's areas, since they will be materialized in the documents and provoke their production. Therefore, there is a direct and inseparable correlation mainly between the institutional legal framework—which is the one that formalizes the functions—and the natural documental groupings. So that, as long as the functions are clearly written, none of them are omitted, duplicated or find themselves contained in more than one, then well-structured documentary collections will be generated. This will ensure that the documents are provided with the necessary identification elements to ensure that they maintain their initial origin and order (Chamber of Deputies of the H. Congress of the Union, 2018, General Archives Law, article 11, subsection VI), fundamental premises that have been proposed since the 19th century and that over time have generated various studies that conclude in unison on the postulation of these as

the principles under which archival work should be governed. The Dutch Samuel Muller, Johan A. Feith and Robert Fruin defended them in rules 16 and 17 of their *Manual* as follows:

16. The arrangement system must be based on the original organization of the archival collection, which generally corresponds to the organization of the administrative body that produced it.

17. In organizing a collection of files, therefore, the original order must first be restored as accurately as possible. Only after that can one judge if, and to what extent, it is desirable to deviate from that order (Muller, Feith, & Fruin, 2003: 52-59).

Therefore, the identification—the first job of document management—represents the way to “document” institutional information.

On the other hand, *document* is not a synonym of *registry*. The rule ISO 15489 defines the latter as “the act in which an archival document is assigned a unique identification when entered into a system” (International Standard Organization, 2001: 4). The...

“registry consists of providing testimony of the creation or incorporation of a document into a system of archival document management; which, as an added benefit, facilitates their retrieval. It consists in the introduction of brief descriptive information or metadata about the archival document and the assignment of a unique identifier in the system. The registry formalizes the incorporation of the document into the system” (International Standard Organization, 2001: 20).

The record, which can be of incoming or outgoing documents from an administrative entity, involves “the assignment of a number, code or unique identifier within the system, which is normally accompanied by brief descriptive information that identifies the document” (Bustelo, 191?: 23). It allows, therefore, to record that a file document was created, thereby formalizing its incorporation into the documentary collection. Therefore, a function is first documented resulting in a file, and then evidence of its creation is left in a registry.

As was previously noted, every public act, in addition to being documented and registered, must also be organized and conserved. But documental organization and conservation do not represent minor tasks, nor do they translate into the minimizing stereotypical view of filing papers. On the one hand, the organization involves a series of processes aimed at classifying and ordering a documentary collection. This concept has been studied with so much rigor that it has derived into taking a stand between those that accept only two tasks as part of the organization. “Archival organization is the result of the classifications and installation of the documents.” And there are some that in the same vein consider documental description “the organization of archival documents is the result of the classification, description and installation operations” (Barbadillo, 2007: 33). To tell the truth, it would seem that the variations in the enumeration of the processes are inconsequential, but in reality, and after many years of study, the idea that document management demands a logical and systematic sequence in the arrangement of the documents that involves identification, organization, valuation, and description is reinforced. And during this journey, the conservation mechanisms would be observed.

3.2 Documentary Organization

Organization is defined as “the operation through which individual documents (documentary pieces) are grouped in intelligible units (series), and these units amongst themselves with the goal of becoming related” (Gallego, 1989: 82). Which implies a systematized and staggered structure of interrelation of documents in accordance with the documentary groupings defined beforehand.

This task involves an intellectual operation (classification), as well as a mechanical one (ordination or installation).

Classification is a method of knowledge and information that consist on creating groups –documents, in this case—as homogenous as possible and that may involve hierarchical divisions or not, materializing in the General Archival Classification Chart (mandatory instrument according to the Law) that gives guidelines for organizing or physically installing the documents on shelves. Thus, the organization entails relating some documents to others according to a previously established method that can be by date (chronological), letters (alphabetical), numbers

(numeric) or subjects (by concept). Hence, the organization is an intellectual and mechanical operation through which the different documentary groups are related hierarchically with organic and functional criteria to reveal their content and information.

3.3. Document Valuation

This should be followed by one of the most transcendental, and, at the same time, most sensitive, steps of archival methodology: document valuation, because this determines what will be studied in the future about the past, once again involving the retrospective and prospective action of the documented information.

Valuation as an archival function and process, has as its central purposes to identify and assign the primary values (administrative, legal, and fiscal of the documentation) and its eventual secondary values (evidential, testimonial, and informative), to establish based on these the validity or safeguard times of the documentation in the file structure of an Institutional System, (INAI; AGN; UNAM, 2019: 56)

It consists, therefore, on the establishment of documentary values, validity periods, conservation periods and disposition of the documentary series, which are objectified in a Documentary Disposal Catalog, an instrument that must also be prepared by the subjects bound by the law and must consider for its preparation the principles of origin and original order, as well as diplomatic criteria, context, content and use.

We must remember that valuation did not always hold a position of acknowledgement in the disciplinary framework, rather, it obtained its legitimacy in the post World War II period. The first to defend this action were Germany and England. The first country championed the idea of “value to preserve” and rested its work on two fundamental references, on the one hand, the importance of the producing organism and, on the other, the usability of the documents. The English, on the other hand, worked under the premise of “value to eliminate”, so this task was carried out under purely administrative interests. When the valuation arrived in America, the United States assumed the Jenkinsonian idea of keeping archivists out of this practice, however, the increasingly faster growth of the documentary masses ended up tasking them with this work that, at first, had been exclusive to the document producers themselves. In this way, the valuation began to take a strategic position not only in the northern neighbor, but soon extended to the rest of the American continent. Thus, the attribution of values to documents began to solidify. The importance of the documents for the producing institution, for the study of administrative history and for history in general were the qualities proposed by Philips Brooks combined with the establishment of primary and secondary values by Theodore Shellenberg (Del Castillo and Ravelo, 2017: 276). These elements made it possible to implement a methodology around valuation that has conditioned archival praxis itself to such a degree that it has led to the establishment of diverse models in different territorial latitudes.

In Mexican history various events stand out that demonstrate a frequent inconsistency related to Archives, and that today conclude with the creation of interdisciplinary groups in every production subject that will be responsible of determining the value of the documents according to the principles and criteria previously noted.

That being said, current digital environments introjected into Archival Science a new way of understanding, not just social reality, but institutional actions, and proposing new attributes of document valuation aimed at addressing their validity, authenticity, immediacy, security, traceability, and accessibility. Among them, the general principles proposed in the 90s by Charles Dollar and later by David Bearman, focused on analyzing the institutional functions themselves; in the duty of archivists to establish the essential requirements for document management; that of including the assessment in the design phase of computer systems and the automatic execution of metadata at different stages of the life cycle (Dollar, 1992). After that, the proposals have not stopped.

Thus, since the emergence of this which is part of the era of the post-custodial paradigm –which began during the 1980s—, the notion of the value of a document has begun to focus fundamentally on the very representation of values that emanated from society itself. This is what Booms (1987: 106) stated when he pointed out that “if there is in fact anyone qualified to lend legitimacy to archival valuation, it is society itself, and the public opinions it expresses. The public as a constitutive element of modern society (...) generates the socio-political process and legitimizes political authority” (Booms, 1987: 106). In this way, the social context and its plural values are the

frame of reference in which the current valuation criteria for both physical and electronic documents is circumscribed.

3.4. Document Description

Document management ends with the descriptive process and it must be remembered that this also starts from the application of a method. The descriptive method is the narrative, numerical, graphic or any other type of exposition that is made as detailed and exhaustive as possible about the reality being investigated, in this case, the information contained in the archival documents. From description, the instruments that facilitate knowledge and consultation of the documents for varying ends are elaborated. Describing a document means enumerating its qualities and the fundamental elements for its recognition. Antonia Heredia defined it as “the analysis done by the archivist about the funds and the archival documents grouped in a natural or artificial manner, with the intent of synthesizing and condensing the information contained in them” (Heredia, 1995: 143). Description is applied with the goal of creating representation of the documental groups, that is, substitutes in which archival information about its attributes and relations is registered. This procedure has led to a collaborative effort of standardization at an international level, giving rise to standards such as the ISAD (G) and the ISAAR (CPF) that regulate the description of archival documents and that of institutions, individuals, and families, respectively. This regulation must be expressed in the instruments of control (general archival classification table and catalog of documentary disposition) and consultation (general inventory, transfer and document deregistration) established in the comments of the General Archives Law (INAI; AGN; UNAM, 2019: 79).

This same document points out that the elaboration of these instruments should favor the subsequent archival activities that favor access to information and exercise the “delicate process of document valuation” (INAI; AGN; UNAM, 2019: 53).

These are the correlative elements that are proposed for the task posed by document management, which becomes a methodology, in a set of consecutive steps that, if always applied in the same manner, will have the same result. The very law defines it as “the integral treatment of documentation throughout its life cycle, through the execution of the processes of production, organization, access, consultation, document valuation, and conservation” (Chamber of Deputies of the H. Congress of the Union, 2018, Archive General, article 4°, subsection XXXIV). The archival doctrine establishes four tasks for this methodology: identify, organize, value and consult. And this permanent use of documents diminishes their physical integrity, which is why mechanisms of conservation must be implemented. This element is defined in the law itself as the “set of procedures and measures destined to assure the prevention of physical alterations to the documents on paper and the long-term preservation of digital documents” (INAI; AGN; UNAM, 2019: 36).

Conservation implies considering the efficacy of geographic spaces for the storing of physical documents, as well as the maintenance of cyberspaces for electronic documents, where digital preservation, technologic vigilance, and the cybersecurity of the information play a transcendental role.

4. Implications of document management in Mexico

Does Mexico have the necessary infrastructure to manage its documents? If we start with the idea that professional archivists are the ones trained for the correct implementation of the method, then the panorama would seem bleak if recent figures are shown, but promising if solution strategies are proposed. In relation to the more unpleasant part, we look at the figures presented in 2014 by the National Institute of Statistics, Geography and Informatics (INEGI), which established, for that year, the existence of more than 2,643 institutions that directly or indirectly generate public goods, that is, an offer of economic goods that translates into tangibles or services. This document only points out those that were possible to identify from a legal-administrative perspective (171 from the Judicial and Legislative Branch, 200 from the government or federal dependencies, 194 public and parastatal companies, 313 schools, hospitals, clinics and assistance services, 1,122 from state governments and 53 from municipal governments) and those located on an economic-functional level, that is, those that receive financing from the government (228 from banking development, funds, trusts and boards of trustees, 40 autonomous educational institutions, 31 autonomous organizations, 54 churches, professional associations, chambers or unions, 150 civil associations, 43 international organizations, 44 political parties,

(INEGI, 2014: 1-123) These 2,643 institutions (and their diverse and complex structures) translate into the existence of the same number of archives in the public sector.

An indicator against which these figures must be compared is the existence of only seven higher education institutions that train professionals in document management¹. Although most of these institutions offer library science degrees, they are generally accompanied by document and archive management, except for the National Autonomous University of Mexico, the National School of Library Science and Archives of the National Polytechnic Institute and the Autonomous University of San Luis Potosí who explicitly includes archival science in their bachelor's degrees. Therefore, there is a clear lack of professionals for the new and complex tasks of the archives, if we consider the number of archives throughout the country and government orders that according to the law must be managed. Even worse if, in addition, we take into account the organizational structure that is aspired to by the *General Archives Law* itself and which consists of the fact that in each organization an Institutional Archives System must be created composed of a general coordinator, one for the area of correspondence, one for each existing procedure file, one for the concentration file and one more for the historical file, (Chamber of Deputies of the H. Congress of the Union, 2018, General Archives Law, article 21, section II) which means that the number of specialized archivists required should be at least five times more than the number that currently exists.

This is one of the numerous reasons that explains why, upon expiration of the entry into force of the Archives Law, that was completed on June 15th, 2019, there would have been no advancement in the tasks of homologation and harmonization of the state laws, that should have been ready in June of 2020. According to the law, on this date the federative entities needed to demonstrate that their laws guaranteed the regulation of their systems and local councils, the regulation, the functioning, and attributions of their state entity specialized in archives, as well as the principles of conservation, origin, integrity, availability, and accessibility. Since it is a general law, as was previously mentioned, there are changes for all the federal, state, and municipal public administration, as well as its three branches, executive, legislative, and judicial.

According to the available information on the General Archive of the Nation page, the entity that centralizes and must articulate the tasks of archive organization, as of July 1st, 2020, that is, more than a year after the term for the country's entities to harmonize the laws with the *General Law of Archives*, only eight have done so. Four more states have approved of it but have not published their State Law of Archives². The next step after harmonizing the state laws is the creation of a State Archives Council, the same one that should've been formed six months after the harmonization, currently only four entities have done it. That is to say, there is a delay of over a year and a half in the implementation of the actions mandated by the Law. The Nation's General Archive only mentions that it has made calls to the entities to comply with the regulations.

All the above implies, in addition to a political effort to undertake the harmonization of laws, a task of updating and organizing archives, but also, as has been said before, valuation and integration of the documentary process. It is a major task according to the breadth of public organizations and government orders that the law includes, coupled with the fact that most of them show disparity in the presentation of their files.

But perhaps one of the most important challenges is to give the documentary task its professional, cultural, and technical character. For if archives continue to be considered, as they have been until now,

¹ These are the National Autonomous University of Mexico, the University of Guadalajara, the University of Nuevo León, the University of Chiapas, the Autonomous University of San Luis Potosí, the Autonomous University of the State of Mexico, and the National School of Library Science and Archiving of the National Polytechnic Institute. consulted at <https://universidadesdemexico.mx/universidades/institutopolitecnico-nacional/licenciatura-en-archivonomia>, retrieved on July 28, 2020.

² The states that harmonized their laws are: Zacatecas, Colima, Durango, Nuevo Leon, Hidalgo, Jalisco, Oaxaca, and Yucatan; the ones that have approved it, but have not published it: Mexico City, Tlaxaca, San Luis Potosí, and Guanajuato. The entities that already have a State Archives Council are: Durango, Zacatecas, Jalisco, and Oaxaca, see véase <https://www.gob.mx/agn/articulos/agnmex-brindaacompanamiento-a-entidades-federativas-para-la-armonizacion-ei-mplementacion-de-la-ley-general-de-archivos>, accessed August 24, 2020.

punishment spaces for public administrators, the law will not be complied with and neither will the memory nor the documentation of daily tasks, and with them, the citizens' right to access information will never become a reality. Because the fundamental input of access to information will continue to be absent.

5. Conclusions

Mexico is a country that, despite having a rich documentary heritage inherited from the colonial era, has not been able to create the adequate infrastructure to avoid its continued destruction due in most cases to their bad conservation conditions. However, considerable efforts have been made, and one of them has been the recent creation of a legal framework that, gradually, has permeated all federative entities. Nevertheless, the laws themselves do not represent a change without the existence of a structural scaffolding that consists of human capital to guarantee its application and compliance.

The economic factor is not less important, in 2018 a budget of around 85 million pesos was approved, slightly less than 18 million for the operation of the Nation's General Archive and 67 million for the payment of salaries, remunerations, and benefits for the workers. An agency that, before the law, handled documents from 300 obliged subjects and that with the new provision must now handle more than 12 thousand (Official Gazette of the Federation, June 19, 2020) cannot operate the changes and cover the new needs with that budget. Therefore, to comply with the requirements demanded by the law, in 2019 it had to have a budget 470% more than what had been approved the previous year (Camacho, 2018). This percentage gives a snapshot of the budget required to maintain, organize, and make available to citizens the documents that are part of the historical memory of this country and are the basis for the exercise of democratic rights such as access to information and the consequent demand for accountability.

On the other hand, it is paradoxical that the General Archive of the Nation, being one of the oldest institutions in Mexico, created in 1823 during the Viceroyalty, has waited nearly 200 years to enact a law on archives. It is more surprising that, while there is an entire theory that has marked the foundations of document management at an international level, it has not been implemented in the archives of this country.

Finally, it must be said that it is necessary, in addition to the obligation of the states to harmonize the law and thus guarantee a right to the inhabitants, the hiring of specialized personnel is a crucial element, since it is evident from the handling and processing of documents that this is a professional job and not just any official can do it. Clarity and experience in document management is needed, otherwise the pillar that is still missing for the establishment of the National Transparency System will not be constructed, and likewise the conditions for the exercise of the citizens' right to know will not be met.

Bibliography

Archivo General de la Nación; Instituto Federal de Acceso a la Información Pública. (2015). *Lineamientos generales para la organización y conservación de los archivos de las dependencias y entidades de la administración pública federal*. México: Diario Oficial de la Federación.

Banisar, D. (2006). *Freedom of information around the world 2006: A global survey of access to government information laws*.

Estados Unidos: Privacy International. Disponible en: <https://ssrn.com/abstract=1707336> or <http://dx.doi.org/10.2139/ssrn.1707336> (Consultado el 23 de agosto de 2020).

Barbadillo Alonso, J. (2007). "Apuntes de clasificación archivística", *Legajos. Cuadernos de investigación archivística y gestión documental*, 10: 27-50.

Bochenski, J. M^a. (1981). *Los métodos actuales del pensamiento*. España: RIALP.

Booms, H.; Joldersma, H y Klumpenhower, R. (1987). "Society and the formation of a documentary heritage: Issues in the appraisal of archival sources", *Archivaria* 24: 69-107.

Bustello, C. (2017). *Procesos de creación y control de documentos*. Cataluña: Universitat Oberta de Catalunya. Disponible en:

[https://www.exabyteinformatica.com/uoc/Informatica/Procesos_y_herramientas_de_gestion_documental/Procesos_y_herramientas_de_gestion_documental_\(Modulo_1\).pdf](https://www.exabyteinformatica.com/uoc/Informatica/Procesos_y_herramientas_de_gestion_documental/Procesos_y_herramientas_de_gestion_documental_(Modulo_1).pdf) (Consultado el 27 de abril de 2021).

- Camacho, Zósimo. (2018). "Archivo General de la Nación, rebasado por sus nuevas responsabilidades", *Contralínea*, Disponible en: <http://www.contralinea.com.mx> (Consultado el 13 de febrero de 2020).
- Cámara de Diputados del H. Congreso de la Unión. (2002). *Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental*. Ciudad de México: Diario Oficial de la Federación.
- Cámara de Diputados del H. Congreso de la Unión. (2015). *Ley General de Transparencia y Acceso a la Información Pública*. Ciudad de México: Diario Oficial de la Federación.
- Cámara de Diputados del H. Congreso de la Unión. (2018). *Ley General de Archivos*. Ciudad de México: Diario Oficial de la Federación.
- Del Castillo, J y Ravello Díaz, G. (2017). "El proceso de valoración documental a la luz de los actuales debates archivísticos", *Revista Interamericana de Bibliotecología*, 40 (3): 273-283.
- Dollar, C. (1992). *Archival theory and information technologies. The impact of information technologies on archival principles and methods*. Macerata: University of Macerata.
- Gallego Domínguez, O. (1989). *Introducción a la archivística*. Vitoria: Servicio Central de Publicaciones del Gobierno Vasco.
- Heredia Herrera, A. (1995). *Archivística general. Teoría y práctica*. Sevilla: Diputación Provincial de Sevilla.
- Hernández Quiñones, A y Flórez Herera, J. (2013). *Accountability social y democracia: el caso de la Red Latinoamericana por Ciudades Justas, Democráticas y Sustentables*. Bogotá: Universidad de los Andes.
- Instituto Nacional de Estadística, Geografía e Informática. (2014). *Catálogo de Dependencias e Instituciones de Interés Público*. Ciudad de México: INEGI.
- International Standard Organization. (2001). *Norma Internacional ISO 15489-1*. Ginebra, Suiza: ISO.
- Moreno Navarrete, M. A. (2001). *La prueba documental. Estudio histórico-jurídico y dogmático*. Madrid: Marcial Pons.
- Muller, S., Feith, J., Fruin, R. (2003). *Manual for the arrangement and description of Archives*. Illinois: Society of American Archivists.
- Ramírez Aceves, M. (2014). *Gestionar los documentos de archivo para garantizar el acceso a la información*. México: UAEMéx.
- Sudirección General de los Archivos Estatales. (1995). *Diccionario de terminología archivística*. Madrid: Ministerio de Cultura.
- Velez, O. C., Rodríguez Oar, A., Sierra, A. M^a, y Becerra, S. (2016). "La memoria histórica en los procesos de acompañamiento pastoral a personas en situación de desplazamiento", *Veritas. Revista de Filosofía y Teología*, 34: 33-60.