

Electronic Records Governance in Tanzania: Legal, Policy and Institutional Challenges at the Rural Energy Agency

Salim Yarabi Ally¹

Abstract

This article critically examines the policy, legal, and institutional challenges facing electronic records governance in Tanzania, with a case study of the Rural Energy Agency (REA). Despite the enactment of statutes such as the Records and Archives Management Act (RAMA, Cap 306 R.E. 2023), the eGovernment Act (eGA, Cap 273 R.E. 2023), the Electronic Transactions Act (ETA, Cap 442 R.E. 2023), the Cybercrimes Act (CCA, Cap 443 R.E. 2023), and the Personal Data Protection Act (PDPA, Cap 44 R.E. 2023), the framework remains fragmented and aspirational. Methodologically, the study employs doctrinal and comparative legal analysis, supported by a case study of REA, to interrogate statutory adequacy, institutional capacity, and compliance with international standards. Findings reveal persistent reliance on paperbased legacy practices, weak enforcement mechanisms, and limited professional training, which compromise the confidentiality, integrity, and availability of electronic records. Comparative insights from Kenya, South Africa, India, the European Union, and the United States demonstrate that effective governance requires harmonisation, breach notification obligations, statutory timelines, and continuous monitoring. The study concludes that securing electronic records is not merely a technical exercise but a matter of legal certainty, institutional credibility, and governance integrity. Recommendations include legislative harmonisation, mandatory breach notification, strengthened enforcement, capacity building, contractual safeguards, institutional modernisation, judicial interpretation, and regional alignment.

Keywords: *Electronic Records, Legal Framework, Policy, Institutional Capacity, Tanzania, Comparative Law*

1.0 Introduction

Electronic records management has become a cornerstone of modern governance, enhancing transparency, accountability, and efficiency across public institutions. In Tanzania, the enactment of statutes such as the *Records and Archives Management Act* (RAMA, Cap 306 R.E. 2023), the *eGovernment Act* (eGA, Cap 273 R.E. 2023), the *Electronic Transactions Act* (ETA, Cap 442 R.E. 2023), the *Cybercrimes Act* (CCA, Cap 443 R.E. 2023), and the *Personal Data Protection Act* (PDPA, Cap 44 R.E. 2023) has provided a doctrinal

¹ Rural Energy Agency salim.rea@yahoo.com

foundation for regulating electronic records. Yet institutions such as the Rural Energy Agency (REA) continue to face vulnerabilities, including unauthorised access, manipulation, and loss of records.

Despite these statutory developments, Tanzania's framework remains fragmented and aspirational. Recent scholarship highlights persistent reliance on paperbased legacy systems, weak enforcement mechanisms, and limited professional training as barriers to effective governance (Manase, Mwantimwa, & Ndimbwa, 2025; Kitinya, 2025). Comparative studies further reveal that African states with coherent policies and statutory clarity, such as Kenya and South Africa, have achieved smoother transitions to digital governance (Olumekor, Mangai, & Mohiuddin, 2024; Bailey, 2024).

This study interrogates whether Tanzania's statutory and policy framework is doctrinally adequate to secure electronic records, situating its shortcomings within comparative international practice. Specifically, it examines the historical trajectory of records management in Tanzania, evaluates policy and legal gaps, and analyses institutional challenges at REA. Comparative insights from Kenya, South Africa, India, the European Union, and the United States are used to highlight reforms necessary to embed enforceable safeguards.

The significance of this research lies in its contribution to ongoing legal and policy reforms in Tanzania. By identifying gaps in harmonisation, enforcement, and institutional capacity, the study provides actionable recommendations for strengthening electronic records governance. Ultimately, securing electronic records is not merely a technical exercise but a matter of legal certainty, institutional credibility, and governance integrity.

2.0 Literature Review

The regulation of records in Tanzania is historically rooted in colonial administrative traditions that emphasised paperbased documentation as the primary means of governance. The *National Archives Act* of 1965 institutionalised archival preservation, embedding a culture of paperbased recordkeeping that persisted for decades. Even with the enactment of the *Records and Archives Management Act* (RAMA, Cap 306 R.E. 2023), the emphasis remained on preservation and authenticity rather than digital transformation.

Recent scholarship confirms that Tanzania continues to struggle with hybrid systems. Manase, Mwantimwa, and Ndimbwa (2025) found that public sector organisations rely heavily on digitising paper records rather than fully automating, thereby undermining sustainability. Similarly, Kitinya (2025) observed that higher education institutions such as Sokoine University of Agriculture face infrastructure gaps, limited training, and weak policy frameworks, despite adopting electronic recordkeeping systems. These findings reinforce earlier critiques that Tanzania's framework remains aspirational rather than operational.

Policy challenges further complicate the landscape. Tanzania lacks a comprehensive national policy on electronic records, relying instead on fragmented sectoral statements. RAMA emphasises archival preservation, while the *eGovernment Act* (eGA, Cap 273 R.E.

2023) prioritises ICT security and interoperability. This duality creates overlaps and contradictions, leaving institutions such as REA uncertain about compliance priorities. Donordriven requirements for adherence to ISO 15489 and ISO/IEC 27001 standards expose gaps in institutional capacity, highlighting the need for harmonisation.

Comparative insights underscore the importance of statutory clarity and institutional capacity. Kenya's *Public Archives and Documentation Service Act* professionalised training, ensuring competence in both archival and ICT domains (Kemoni, 2007; Wamukoya & Mutula, 2005). South Africa's *Protection of Personal Information Act* (POPIA, 2013, s. 22) embeds breach-notification obligations, thereby transforming accountability into a legal requirement (Ngulube, 2012). India's *Information Technology Act* (2000), supplemented by the CERTIn Rules (2013) and Directions (2022), imposes strict reporting timelines, including a sixhour window for incident reporting (Asogwa, 2012). The European Union's *General Data Protection Regulation* (GDPR) integrates privacy, security, and breach notification into a single framework (Regulation (EU) 2016/679, art. 33(1)), while the United States institutionalises continuous monitoring through the *Federal Information Security Management Act* (FISMA, 2002, 44 USC §3541).

More recent comparative scholarship highlights evolving enforcement mechanisms. Wörle and Gstrein (2024) analyse collective data protection litigation in the EU and the US, showing how representative actions and class actions strengthen accountability. Theodorakis and Tzeferakou (2025) discuss emerging digital protectionism, warning that fragmented approaches to privacy and data governance risk undermining international collaboration. These insights are critical for Tanzania, where fragmented statutes already weaken institutional credibility.

At the regional level, Olumekor, Mangai, and Mohiuddin (2024) emphasise that political competence and infrastructure, rather than economic prosperity, determine the success of e-governance in Africa. Bailey (2024) similarly highlights challenges such as inadequate legal frameworks, reliance on foreign aid, and cybersecurity threats. The World Bank (2025) underscores the importance of GovTech solutions, including digital IDs and interoperable systems, while cautioning against governance risks such as fraud and data misuse.

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Together, these studies reveal that while Tanzania references international standards, its framework remains symbolic rather than operational. The literature demonstrates that harmonisation, enforcement, and capacity building are essential to transforming Tanzania's electronic records governance into a resilient, enforceable system.

3.0 Methodology

This study adopts a doctrinal and comparative legal research design. The doctrinal approach involves a critical examination of Tanzanian statutes governing electronic records, including the Records and Archives Management Act (RAMA, Cap 306 R.E. 2023), the eGovernment Act (eGA, Cap 273 R.E. 2023), the Electronic Transactions Act (ETA, Cap 442 R.E. 2023), the *Cybercrimes Act* (CCA, Cap 443 R.E. 2023), and the Personal Data Protection Act (PDPA, Cap 44 R.E. 2023). These statutes are analysed to determine their adequacy, coherence, and enforceability in securing electronic records.

The comparative dimension situates Tanzania's framework within international and regional practice. Jurisdictions were selected for their relevance to Tanzania's legal and institutional context and for their adoption of statutory innovations such as breach-notification obligations, statutory timelines, and continuous monitoring mechanisms. Comparative insights are drawn from Kenya, South Africa, India, the European Union, and the United States, supplemented by recent scholarship on eGovernance and data protection (Manase, Mwantimwa, & Ndimbwa, 2025; Kitinya, 2025; Olumekor, Mangai, & Mohiuddin, 2024; Bailey, 2024; Wörle & Gstrein, 2024; Theodorakis & Tzeferakou, 2025).

A case study approach is employed, focusing on the Rural Energy Agency (REA) as a representative institution. REA was chosen because of its hybrid reliance on paperbased legacy systems and partial digitisation, which exemplifies the institutional vulnerabilities common across Tanzanian public agencies. As a donorfunded entity operating in the energy sector, REA faces heightened compliance demands, making it an ideal lens for assessing statutory and institutional adequacy.

Sources of data include statutory instruments, international standards such as ISO 15489 and ISO/IEC 27001, judicial decisions (where available), and scholarly literature. Secondary sources, including comparative jurisprudence and academic commentary, provide analytical depth and highlight doctrinal innovations adaptable to the Tanzanian context.

This methodology ensures that the study is both contextspecific and globally informed, enabling a balanced assessment of Tanzania's electronic records governance and the identification of actionable reforms.

4.0 Findings and Discussion

4.1 Institutional Capacity

The Rural Energy Agency (REA) exemplifies the institutional vulnerabilities undermining electronic records governance in Tanzania. Despite the statutory framework provided by RAMA, eGA, ETA, CCA, and PDPA, REA suffers from limited institutional capacity. Few officers are formally trained in electronic records management, forcing ICT staff without archival expertise to handle sensitive records. This mismatch of skills results in inconsistencies, delays, and risks of manipulation, as technical staff prioritise system functionality over archival authenticity.

Recent studies confirm this challenge across Tanzanian institutions. Manase, Mwantimwa, and Ndimbwa (2025) found that public sector organisations rely heavily on digitising paper records rather than fully automating, thereby undermining sustainability. Kitinya (2025) similarly observed that higher education institutions face infrastructure gaps and weak policy frameworks, limiting the effectiveness of electronic record-keeping. These findings highlight that REA's challenges are symptomatic of broader national weaknesses in institutional design and capacity.

4.2 Threats to the Security of Electronic Records

Electronic records in Tanzania face significant threats to confidentiality, integrity, and availability. These threats are both technical and institutional, reflecting gaps in statutory design, policy coherence, and organisational capacity. Without embedded breach notification obligations, sanctions, and judicial interpretation, Tanzanian statutes remain aspirational rather than operational. This doctrinal weakness leaves institutions vulnerable to unauthorised access, manipulation, and loss of records.

Comparative insights demonstrate how statutory design can mitigate such vulnerabilities. South Africa's Protection of Personal Information Act embeds breach-notification obligations, thereby transforming accountability into a legal requirement (Ngulube, 2012). India's Information Technology Act and CERTIn Directions impose strict reporting timelines, fostering a culture of compliance (Asogwa, 2012). The European Union's GDPR integrates privacy, security, and breach notification into a single framework, while the United States' FISMA institutionalises continuous monitoring and enforcement.

4.3 Doctrinal Implications

The Tanzanian case illustrates a fundamental tension between principlebased statutory design and operational enforceability. While statutes reference international standards such as ISO 15489 and ISO/IEC 27001, they fail to embed enforceable obligations. The absence of breach notification, sanctions, and judicial precedent renders the framework symbolic rather than operational.

Recent comparative scholarship reinforces this point. Wörle and Gstrein (2024) show that collective litigation mechanisms in the EU and the US strengthen accountability by enabling representative actions and class actions. Theodorakis and Tzeferakou (2025) warn that fragmented approaches to privacy and data governance risk undermining international collaboration, a challenge mirrored in Tanzania's fragmented statutory landscape.

Together, these findings demonstrate that Tanzania's framework remains aspirational, with REA serving as a microcosm of national challenges. Institutional weaknesses, statutory gaps, and policy fragmentation compromise the integrity of governance. Comparative lessons highlight that harmonisation, breach notification, enforcement mechanisms, and capacity-building are essential to transforming Tanzania's electronic records governance into a resilient, enforceable system.

5.0 Conclusion

The case study of the Rural Energy Agency (REA) demonstrates that Tanzania's electronic records management framework, though comprehensive in statutory design, remains aspirational in practice. Weak enforcement mechanisms, limited institutional capacity, and historical reliance on paper-based practices compromise the confidentiality, integrity, and availability of electronic records. Comparative insights from Kenya, South Africa, India, the European Union, and the United States reveal that statutory aspiration must be matched with operational enforceability. Recent scholarship further underscores that without harmonisation, breach notification, and capacity building, Tanzania risks lagging behind regional and global standards.

6.0 Recommendations

Legislative Harmonisation

Tanzania must integrate archival principles under RAMA (Cap 306 R.E. 2023) with ICT security obligations under eGA (Cap 273 R.E. 2023), ETA (Cap 442 R.E. 2023), and PDPA (Cap 44 R.E. 2023) into a unified statute. Comparative lessons from Kenya and South Africa demonstrate that statutory coherence enhances compliance and institutional credibility (Public Archives and Documentation Service Act, Cap. 19, Laws of Kenya; Protection of Personal Information Act, 2013, s. 22).

Mandatory Breach Notification

Introducing statutory obligations that require institutions to notify supervisory authorities and affected stakeholders of breaches within a defined timeframe would embed accountability in law. Comparative lessons from the GDPR and POPIA demonstrate that breach notification transforms accountability from a discretionary practice into a legal requirement (Regulation (EU) 2016/679, art. 33(1); Protection of Personal Information Act, 2013, s.22).

Strengthening Enforcement Mechanisms

Embedding sanctions and judicial interpretation into Tanzanian statutes would strengthen compliance. The United States' FISMA institutionalises continuous monitoring and enforcement, preventing institutional complacency and ensuring that compliance is embedded into daily practice (Federal Information Security Management Act, 2002, 44 USC §3541; Duranti, 2005).

Capacity Building

Investment in professionalised training for records officers is essential. Kenya's Public Archives and Documentation Service Act demonstrates how competence in both archival and ICT domains can strengthen institutional credibility (Kemoni, 2007; Wamukoya & Mutula, 2005).

Contractual Safeguards (NDAs)

The adoption of NonDisclosure Agreements under the Law of Contract Act (Tanzania), reinforced by PDPA (Cap 44 R.E. 2023) and RAMA (Cap 306 R.E. 2023), would provide a contractual safeguard against insider threats. NDAs would ensure that employees, contractors, and service providers are legally bound to maintain the confidentiality of erecords, complementing statutory protections.

Institutional Modernisation

Tanzania must move beyond hybrid systems that combine paperbased legacy practices with partial digitisation. Investment in infrastructure, metadata management, and compliance with ISO 15489 (ISO, 2016) and ISO/IEC 27001 (ISO/IEC, 2022) is necessary to strengthen institutional resilience.

Judicial Interpretation

Encouraging Tanzanian courts to interpret electronic records statutes would clarify compliance obligations and strengthen doctrinal certainty. Comparative lessons from U.S. jurisprudence under FISMA illustrate how judicial oversight can embed enforceability into practice (Federal Information Security Management Act, 2002, 44 USC §3541).

Regional and International Alignment

Tanzania should adopt ESARBICA standards and align with ARIPO guidelines to strengthen regional cooperation. At the international level, harmonisation with TRIPS, WIPO treaties, and GDPR obligations would enhance interoperability and credibility (ARIPO, 2019; ESARBICA, 2020; Regulation (EU) 2016/679, art. 33(1)).

Professional Ethics and Accountability

Embedding professional ethics into statutory and institutional practice is essential. Comparative lessons from South Africa and India demonstrate that accountability must be both legal and professional, ensuring that officers uphold integrity in managing electronic records (Ngulube, 2012; Asogwa, 2012).

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