

# Hidden stakeholder views in Finnish archival act law drafting: a recordkeeping perspective

Tuija Kautto

*Faculty of Information Technology and Communication Sciences,  
Tampere University, Tampere, Finland, and*

Virpi Hotti

*School of Computing, University of Eastern Finland – Kuopio Campus,  
Kuopio, Finland*

---

Received 28 September 2023  
Revised 21 August 2024  
21 August 2024  
22 August 2024  
Accepted 8 September 2024

## Abstract

**Purpose** – The purpose of this paper is to explore the legislative drafting process for the Archives Act in Finland and stakeholder involvement concerning the Archives Act proposal. The study aims to identify key factors that hinder or improve the analysis and visibility of these different stakeholder perspectives through time. It considers this from a recordkeeping perspective.

**Design/methodology/approach** – First, selected law drafting guidelines and statement structures were examined to determine how they affect the analysis of stakeholder statements. Second, 90 stakeholder statements and two law drafter summaries were analyzed. Finally, six topics (public record and archives, archiving and preservation, the life cycle of records, transferring records to the National Archives, analog material and personal data) were used to examine the visibility of stakeholder statements and to compare differences in the views between law drafter summaries and stakeholder statements.

**Findings** – Differing views of stakeholders did not receive sufficient visibility in the law drafter summaries. The key factors hindering the analysis and visibility of stakeholder statements were law drafting guidelines that did not support the analysis of the statements, statement structures that were rarely followed and law drafter summaries highlighting the views of the legislators. The recommendations are the need to embed a recordkeeping perspective into the accounts, the requirement to follow the statement structures, guided analysis methods for stakeholder statements and clearer references to stakeholder statements.

**Originality/value** – The study compares the differing views of stakeholder statements and law drafter summaries in law drafting relating to records and information management.

**Keywords** Recordkeeping, Records and information management, Stakeholder statement, Law drafting

**Paper type** Case study

## Introduction

Public administration records and information management (RIM) practices are controlled by laws that can affect stakeholders (e.g. individuals, governing bodies and other legal entities) differently. This work examines the evolution of the Finnish laws which impact on



---

© Tuija Kautto and Virpi Hotti. Published by Emerald Publishing Limited. This article is published under the Creative Commons Attribution (CC BY 4.0) licence. Anyone may reproduce, distribute, translate and create derivative works of this article (for both commercial and non-commercial purposes), subject to full attribution to the original publication and authors. The full terms of this licence may be seen at <http://creativecommons.org/licenses/by/4.0/legalcode>

---

recordkeeping considering the extent to which stakeholders were involved and the significance of this involvement. In addition, it provides for some more general considerations for the recordkeeping processes in respect of legislative developments and the retention of records by recordkeepers.

Understanding the potential challenges interested parties face before the law is finalized is crucial. It is important to ensure that the opinions of various stakeholders are considered early in the law drafting process before the objectives and content of the law are established to ensure that the law which is developed is fit for purpose (Uusikylä *et al.*, 2023, p. 159). It is challenging to grasp the bigger picture and to comply with regulations due to scattered requirements across different acts (Voutilainen, 2019, p. 77). Better framed laws, regulations and alignment could improve these processes. Additionally, RIM professionals should be involved in legislative programs that impact daily RIM practices (Bearman, 1995; Xie, 2016).

This study assesses stakeholder statements on the [Draft Government proposal to Parliament to amend the Archives Act and the Act on the National Archives \(2022\)](#), called the Archival Act proposal. We are interested in the visibility of stakeholder views in law drafting and as such ask the following critical research questions:

- RQ1. Are the challenges related to recordkeeping practices visible in the law drafting documentation?
- RQ2. What are the key factors hindering or improving the analysis of stakeholder statements?
- RQ3. What are the key factors hindering or improving the visibility of different views of stakeholder statements?

In Finland, a few hundred sections in legislation regulate the retention periods of public records and data sets, and there are around forty statutes which pertain to permanent preservation and archiving (Rasmus, 2020, p. 23, p. 49). The article then reflects on the value and role of records managers.

The article is organized in the following way in six sections. The introduction in Section 1, followed by background and previous research in Section 2. Section 3 outlines the research material and methods (a.k.a., an approach), while Section 4 presents the findings. Section 5 examines the visibility of stakeholder statements in the Finnish law drafting process and discusses ways to increase their visibility. Finally, Section 6 provides the main conclusions and suggests topics for further research.

### **Background and previous research**

The study reviews the context of law drafting from a recordkeeping perspective. Within this context records management has a dual role; it provides a framework for the management of records relating to the drafting process and acts as an audit trail and accountability mechanism. The initial literature search did not evidence any prior literature which dealt with the value of recordkeeping in the legal drafting space. As such this article fills a significant gap.

In Finland, the legislative framework for public administration RIM is based on the following acts, but in some sectors, such as social welfare and health care, some recordkeeping practices may be regulated in more detail in specialized sector focused acts. The Finnish Constitution (731 / 1999), which lays down fundamental legal rights for citizens, such as the right to privacy and access to public information. In addition, the regulation of the [Administrative Procedure Act \(434/2003\)](#) provides an overarching

---

framework that establishes the delivery of effective administrative services. The current [Archives Act \(831/1994\)](#) contains as a general act provision on, among other things, archiving and its organization, drafting, use and preservation of records. The role and duties of the [National Archives are laid down in the Act on the National Archives \(1145/2016\)](#). The acts are now being reformed, as their content is partly outdated and has not been coordinated with the [EU General Data Protection Regulation \(2016/679\)](#). In addition, they have not been coordinated with the [Act on Information Management in Public Administration, IMPA, \(906/2019\)](#), which entered into force in 2020. Information Management in Public Administration sets out the requirements for the retention and management of the public data sets. The concept of public record derives its definition from the [Act on the Openness of Government Activities, AOGA, \(621/1999, 5.2 §\)](#).

In terms of public records specifically as framed by laws, these are subject to functions and requirements in society, from their creation to their destruction or archiving (a.k.a., a life cycle of the public records). According to [Lindeberg \(2009\)](#) public records are “records created or received by a public officer (i.e. someone employed in the public sector, be it at the federal, state or local level) in the course of his/her duties”. The significance of public records derives from the tasks assigned to them, for example, serving pieces of evidence about events and processing situations, as subjects of the right of access ([Voutilainen, 2019](#), pp. 291–292) and as tools for assessing openness, transparency and reliability of administration in eGovernment ([Erkkilä, 2012](#); [Isa and Azman, 2009](#); [Grimmelikhuijsen and Meijer, 2014](#), p. 141; [Grimmelikhuijsen and Welch, 2012](#); [Klareld, 2017](#), p. 78; [Voutilainen, 2007](#)), not forgetting cultural, historical and research needs. Moreover, the models of records management vary from life cycle to continuum. In the more linear life cycle model, the organization’s and archival institution’s functions and responsibilities in handling current records and archives are separated (e.g. [Atherton, 1985](#), p. 44; [Cook, 1996](#), p. 8). In the continuum model, records can have several contexts during their lifetime and responsibilities and actions for preserving and destroying records are handled in cooperation between the organization and the archival institution (e.g. [Duranti, 1997](#), p. 63; [Upward, 2005](#)).

In Finland, law drafting is a multi-stage and lengthy process having seven main stages ([Legislative Drafting Process Guide, 2016](#)): 1 Preliminary preparation, 2 Regulatory drafting, 3 Consultation, 4 Continued drafting, 5 Review by the Government, 6 Parliamentary reviews and 7 Enactment. Stakeholders are consulted through various hearings throughout the process, but written statements are usually requested at the Consultation stage in the e-consultation service known as lausuntopalvelu.fi. Broad participation can create, among other things, financial, technical or administrative burdens in mapping out various comments ([Ingrams, 2023](#)), particularly where a responsible law drafter alone reviews extensive statement material and where the need for legislation is urgent ([Lonka et al., 2020](#)). Critical perspectives often repeated in statements or based on research may remain invisible ([Nieminen et al., 2019](#), pp. 86–88, p. 94), especially if the assessment is left solely to technology ([Johnson and Roman, 2015](#)). It may also happen that law drafters ignore common stakeholder views without reason while considering rare views in further law drafting ([Airaksinen and Albrecht, 2019](#)). In addition, ministry-specific differences can exist in how statements are responded (Keinänen and Kemiläinen, 2016). If stakeholders cannot trace how their views have been considered in the law drafting, it may hinder the transparency of the law drafting ([Airaksinen and Albrecht, 2019](#)) increase frustration and undermine trust in the authorities ([Johnson and Roman, 2015](#)). This is not only a question of technology-related perspectives but in addition is important in other aspects, such as social, legal, psychological and procedural factors, which should be considered. (e.g. [Farina et al., 2013](#), p. 502; [Klareld, 2017](#), pp. 78–79; [Sloboda et al., 2022](#), p. 71).

---

Law drafters in valuing and managing stakeholder statements in law drafting situations need to pay more attention to the role of RIM, which has currently been undervalued. With the rapid rise of digitalization and technology, scholars have debated the importance and necessity of RIM (e.g. [Brooks, 2019](#)) within the broader Information Governance (IG) field, with varying opinions on its relevance beyond paper-based administration. However, RIM is involved in far wider functions including managing and maximizing digital content. Nevertheless, RIM and RIM professionals have been claimed to be often invisible (e.g. [Ismail and Jamaludin, 2011](#); [Kautto and Henttonen, 2020](#)). Invisible work or shadow work (e.g. [Nardi and Engeström, 1999](#); [Muller, 1999](#); [Star and Strauss, 1999](#)) includes, among other things, the idea that we value the work of others differently than our own and can sometimes ignore views of other professionals. This article reviews the value of including critical stakeholders in drafting processes and better capturing and maintaining the drafting records.

### Research material and methods

The initial aim of the study was to analyze the recordkeeping challenges expressed by stakeholders in their statements regarding the Archival Act proposal. However, in the early stages of the analysis process, deficiencies were found in the content and structures of the data openly available on the Finnish consultation service, [lausuntopalvelu.fi](#) and the website of the Ministry of Education, which prevented the analysis from being carried out directly. This in itself was an important finding. As a result of this absence, the study focused on first looking at the factors that hindered the analysis of stakeholder views.

Law drafting guidelines have been researched as to whether these guidelines support the law drafter in analyzing statements or drafting summaries of statements. Law drafting guidelines have been developed at different times: Guidelines for Drafting the Government proposal ([HELO, 2019](#)), [Law Writer's Guide \(2022\)](#), [The Guide to Consultation in Statute Drafting \(2016\)](#) and [User's Guide \(2017\)](#).

The research data contains 111 statements issued on the Archival Act proposal ([Excel workbook, 2022](#)). The search for research data was conducted in October 2022. The research material was supplemented in July 2023 with two summaries of stakeholder statements prepared by the law drafter: [A summary of stakeholder comments on the Archives Act and the Act on the National Archives \(2023\)](#), containing two pages (later, Summary) and a sectional [summary of stakeholder comments on the Archives Act and the Act on the National Archives \(2023\)](#) containing eight pages (later, Sectional Summary). The Summary is a shortened version of the Sectional Summary without stakeholder references.

Quantitative analysis of the 111 statements using Excel functionalities was conducted to get background information of the stakeholders and their statements including the Finnish words that were used in the statements. In addition, at this stage, the selection criteria for the statements to be included in the research material were formed: the statements had to be in Finnish, and they had to take a stand on the proposal. The content of the [Excel workbook \(2022\)](#) was then organized to support the coding. Ninety statements ( $n = 90$  of 111) and two law drafter summaries of stakeholder statements coded in Atlas.ti. Challenges and concerns of stakeholders were grouped into the following topics: public record and archives, archiving and preservation, life cycle of records, transferring records to the National Archives, analog material and personal data. The results of the analysis of the topics are presented under the subtitle, *The law drafter summaries highlighted the views of legislators and law enforcement, leaving differing views invisible*. The content analysis aims to describe a certain phenomenon verbally in the data, looking for different meanings. [Tuomi and Sarajärvi \(2009, pp. 105–108\)](#) refer to a method of content specification that describes quantitatively, objectively and

---

systematically and this can be applied documents. According to [Kallinen and Kinnunen \(2024\)](#), content analysis is ideal for analyzing various written texts, interviews or recorded speeches.

## Results

The factors that hinder the analysis of the stakeholder statements and the visibility expressed in the statements are law drafting guidelines that do not pay attention to the statement structures or analysis methods, statement structures that are not followed or are used inconsistently in the law drafting process, law drafter summaries which highlight the views of legislators and law enforcement leaving other stakeholder views more invisible, and inconsistencies in published content on websites.

### *Law drafting guidelines*

In respect of the law drafting guidelines specifically, these have been written from the perspective of professionals specializing in legislation and the writing of legal texts and summaries. Law drafters have been instructed ([Law Writer's Guide, 2022](#)) by being given examples of regulatory texts that set out key processes such as how sections are numbered or titled, how and in what order the matters of an individual section are presented, how different subsections are distinguished from each other and how the legal text refers to other acts. Law drafters have also been instructed ([HELO, 2019](#)) to prepare the government proposal for the law. This public record serves as a basis for decision-making and may include one or more law proposals. The results and conclusions of law drafting must be presented briefly in the government proposal, and only key information from the decision-making viewpoint and the received statements in the consultation stage may be included. However, the reasons why different views in the statements have or have not been considered should be clearly explained. The Consultation Guide for [Legislative Drafting Process Guide \(2016\)](#) recommends that the summary of statements be written in short entries by sections. Surprisingly, the guideline does not consider it necessary to identify the stakeholder statements because, according to the guideline, different perspectives can be examined based on the summary. Therefore, stakeholders and the wider readership have been ignored in the guidelines.

The selected guidelines do not guide the structure and content of stakeholder statements or the analysis methods. However, some guidance can be found regarding the structures of requests for statements (e.g. [User's Guide, 2017](#)). In addition, the requirement in the Consultation Guide for [Legislative Drafting Process Guide \(2016\)](#) that those issuing statements must always have the opportunity to comment freely on a law proposal is reflected in the final content, form and analysis of the statements given. In conclusion, the law drafting guidelines do not support the analysis of stakeholder statements and the comprehensive presentation of analysis results.

### *Statement structure was followed rarely*

The Ministry of Education and Culture's request for statements on the Archival Act proposal and the related letter were published on [lausuntopalvelu.fi](#), where stakeholders were primarily urged to submit their statements. One could also give statements by e-mail to the Ministry of Education. Statements were to be given according to the following structure: 1) Background and preparatory work, 2) Current situation and assessment of the current situation, 3) Objectives, 4) The proposals and their implications, 5) Other implementation options and international comparison, 6) Detailed justification, 7) Law proposals and 8) Other remarks. The Excel workbook downloaded from [lausuntopalvelu.fi](#), which contains

---

RMJ

111 statements, did not have the structure described above ready. Instead, the Excel workbook had six columns ready:

- (1) Response time. Date and time as 05/04/2022 10:12:15.
- (2) Organization. The Organization column stores various legal entities (such as organization name and possible unit), titles of individuals and governing bodies such as municipal government.
- (3) Industry. There are five industries (municipality or joint municipal authority, ministry, government agency or institution, association or community, or Other). Statements made in private capacity are non-industry.
- (4) Principal law drafter. The responsible law drafter is a private person with a surname and first name.
- (5) The recipient's e-mail address. The recipient's e-mail refers to the e-mail address of the person issuing the statement, and each statement has a unique e-mail address.
- (6) You could write your statement in the text box below. This field contained the full statement given.

Twelve stakeholders have given no comments or have stated that they will not give an opinion on the matter. There were five favorable statements having no position on the law proposal. Most of the statements (72) did not adhere to the prescribed structure, and only nineteen stakeholders followed it in its entirety. These 19 entities comprised eleven municipalities or joint municipal authorities, four government agencies and institutions, three other public administrations and one association or community.

*Statements structures were used inconsistently in the law drafter summaries*

The summaries drafted by legal experts did not adhere to the prescribed eight-point structure for statement requests. However, the Sectional Summary sections align with the forthcoming legislation and the established guidelines for drafting laws (as exemplified by The Consultation Guide for [Legislative Drafting Process Guide, 2016](#)). If a stakeholder had presented their input following the recommended structure, it would be reasonable to anticipate that the summary would also reflect a comparable order, aiding in the formation of a comprehensive overview of the statements, leading up to the final government proposal and subsequent decision-making.

*The law drafter summaries highlighted the views of legislators and law enforcement, leaving differing views invisible*

The [Sectional Summary \(2023\)](#) does not indicate selection criteria for included and excluded stakeholder statements. However, the following sentence, “Based on the statement of the Ministry of Justice in particular, it was decided to propose a new act on archiving and a new act on the National Archives,” suggests that the views of the Ministry of Justice had been given the most weight, which turned out to be true. The most frequently referred stakeholders are the Ministry of Justice (14 times), the Information Management Board (13 times) and the Data Protection Ombudsman (five times). These stakeholders are legislators, issuers of instructions or law enforcement rather than those applying the law's requirements. There are also other stakeholders ( $n = 18$ ) referred to only once in the summary, but these do not include all stakeholders, for example, municipalities that provided around 33% of all received statements ( $n = 37$  of 111). There are unclear references (later, Unknown) 14 times ( $n = 14$ ).

---

Legal professionals and law enforcers overlooked stakeholder challenges and concerns related to long-term preservation and analog material. Therefore, challenges and concerns grouped on the following topics: public record and archives, archiving and preservation, life cycle of records, transferring records to the National Archives and analog material and personal data. They addressed both in the [Sectional Summary \(2023\)](#) and stakeholder statements in the [Excel workbook \(2022\)](#). References to stakeholders are indicated in parentheses for each view.

*Public record and archives.* There is a need to clarify the concept of a public record that would be understandable and uniform between different acts (Information Management Board; National Courts Administration Finland and Uusimaa TE-office). The concept of archives is ambiguous and lacks a definition in the Act (City of Oulu; Finnish Institute for Health and Welfare; Information Management Board; National Police Board of Finland and National Prosecution Authority). The concepts in the Sectional Summary cited the views of the National Police Board and the Ministry of Justice.

*Archiving and preservation.* There are needs for common definitions of retention periods in public administration (City of Porvoo; SASKY Municipal Education and Training Consortium and Turku Court of Appeal), for clarification of differences between preservation and archiving (The Society of Finnish Archivists), permanent preservation and archiving and the preservation and archiving (The Archives and Information Management Union), in a situation where an organization preserves public records for research and statistical purposes (Finnish Centre for Pensions). Moreover, comments concern topics such as when archiving should occur (City of Vaasa; Information Management Board; Kela, the Social Insurance Institution of Finland; Pirkanmaa Hospital District and Turku Court of Appeal) or the time when archiving should occur if the organization is not obliged to transfer the records to the custody of the National Archives (Kela, the Social Insurance Institution of Finland).

*Life cycle of records.* The life cycle of records gained attention in the Sectional Summary through archiving tasks as follows:

The tasks of archiving are divided into those carried out at the beginning of the record's life cycle and those carried out as an organization maintaining the archive after the end of the record's retention period.

The definition is close to the traditional life cycle model (Cook, 1996, p. 8). Other perspectives conforming to the continuum model (Duranti, 1997, p. 63; Upward, 2005) were in the stakeholder statements (Kela, the Social Insurance Institution of Finland):

GDPR and the Act on Information Management in Public Administration are now based on the idea that archiving in all processes would occur only after the retention period has expired. However, from the different statutory tasks of the information management unit, it may follow that the same information may be simultaneously relevant for operational use and from the research perspective. In this case, the archiving moment would be even before the retention period in operational activities has expired. Instead of the records life cycle model now adopted in legislation, this practice resembles the continuum model. The central idea of the model is that the same information can be valuable operationally and culturally historically at the same time.

*Transferring records to the National Archives.* In the Sectional Summary, centralized archiving approached with positive views (Finnish Heritage Agency and Metsähallitus) and potential future cost savings (Metsähallitus), considering specific legislative situations while leaving significant stakeholder challenges invisible. Stakeholders are in a possession of records that should be preserved for a long time for their original use (City of Helsinki; City of Oulu and City of Tampere; Kela, the Social Insurance Institution of Finland), sometimes



---

even permanently, in which case the records are not archived at all (City of Espoo; City of Joensuu and City of Tampere; Kela, the Social Insurance Institution of Finland). Municipalities, for example, also hold records preserved for a long time and transferred to the National Archives for permanent archiving until decades later (City of Oulu). Since there are public records preserved for a long time (i.e. 80 years), stakeholders (City of Pori; Council of Oulu Region) did not consider cost savings realistic for all organizations, as one must invest in long-term preservation although the records transferred to the National Archives for permanent archiving. There are suggestions that the transfer to the archive may remain small for them, as the transfer would be contractually based and a one-time mass run (Regional Council of North Karelia). Further, organizations need their electronic archives integrated into automatic data transfer operational systems (City of Espoo; City of Joensuu; City of Tampere and Regional Council of North Karelia).

*Analogue material.* The topic that relates to analog material remained invisible in the Sectional Summary. However, the rights of the National Archives to access the archival space (The Information Management Board) and the rights of access to information (The Chancellor of Justice) gained attention. The lack of regulation on analog material and archive facilities received comments in the stakeholder statements (Association of Finnish Municipalities; City of Helsinki; City of Mikkeli; City of Tampere; Finnish Heritage Agency; National Police Board of Finland; Pirkanmaa Hospital District; Regional State Administrative Agency for Southern Finland; The wellbeing services county of North Ostrobothnia, Pohde and the University of Jyväskylä). Stakeholders (The Archives and Information Management Union and The Evangelical Lutheran Church of Finland) expressed their concerns about how to preserve analog material in archives, which often contain a great deal of valuable information. There is uncertainty about how organizations without sufficient financial or human resources can digitize such material, and it is unclear whether to transfer massive quantities of analog material, such as records, drawings and maps, to the National Archives (City of Helsinki, City of Hyvinkää and National Courts Administration Finland).

*Personal data.* The Sectional Summary considered the statement of the Data Protection Ombudsman in the following sentence: "The law proposal was significantly modified in further preparation based on the opinion of the Data Protection Ombudsman." As public records may also contain personal data, stakeholder statements require clear definitions of who controls the data set in different situations or phases of transfer (Data Protection Ombudsman and National Enforcement Authority Finland) and how to consider the data subject's rights in archiving (City of Pori; Kela, Social Insurance Institution of Finland). Currently, there are questions regarding data subject rights, the timing of archiving and situations where public documents contain personal data. The timing of archiving can be a challenging issue for organizations to address in their RIM practices, as data subjects' rights may become restricted under GDPR regulations.

#### *Inconsistencies in content published on websites*

The law drafter summaries were available on the website of the Ministry of Education and Culture in May 2023, for around a year after the end of the consultation phase at [lausuntopalvelu.fi](https://lausuntopalvelu.fi), which can be considered quite a long time for the analysis to be completed and information to be disseminated to a wider audience. When examining the summaries prepared by the law drafter, attention was drawn to the fact that the total number of statements issued on the website in question ( $n = 125$ ) differed from the number of statements in the Excel workbook available at [lausuntopalvelu.fi](https://lausuntopalvelu.fi) (2024). The inconsistencies



are reflected in the visibility of some statements, making it significantly more difficult to carry out the analysis.

A more detailed examination revealed that 125 includes the two law drafter summaries and twelve stakeholder statements, which are not found in the drafter's Excel workbook. In addition, for some stakeholders, such as the City of Helsinki and the Provincial Government of Åland, two downloadable documents, a statement and minutes note, have been published instead of just one document. Due to inaccuracies, it is not possible to say for sure what is the actual number of issued statements. The inconsistencies between the two websites may be explained by the fact that different ministries maintain them, the Ministry of Education and Culture and the Ministry of Justice. One explanation may lie in the lack of proper recordkeeping practices. However, whatever the reasons are, the inconsistency should not exist. It is important to make sure that before publication, there are no inconsistencies in the content of the websites of the various ministries and that the summaries are comprehensive. Otherwise, there is a risk of keeping statements hidden.

### Discussion

According to research, the current guidelines for law drafting lack procedures for analyzing stakeholder statements and presenting that analysis in a comprehensive manner. Additionally, inconsistencies in the structure of these statements further complicate the analysis process. Incorporating statement structures and analysis methods into the guidelines could potentially decrease administrative burdens and costs when dealing with a large amount of feedback with differing views (Ingrams, 2023; Lonka *et al.*, 2020). It could also help to harmonize ministry-specific differences in responding to statements (Keinänen and Kemiläinen, 2016) and ensure to consider of important perspectives, especially when a law drafter is responsible for reviewing extensive material (Lonka *et al.*, 2020; Nieminen *et al.*, 2019). Moreover, best practices could be found in the EU's [Better Regulation guidelines \(2021\)](#) (TOOL #54).

In the process of summarizing stakeholder statements there was a lack of consistent use of references. Law drafters should incorporate quantitative stakeholder references and adhere to clear criteria when selecting statements for their summaries (Airaksinen and Albrecht, 2019). This practice not only enhances transparency in the law drafting process but would help to foster trust in the authorities (Johnson and Roman, 2015).

There were aspects of stakeholder statements not fully addressed. Discrepancies arose among stakeholders, including municipalities and law drafters, on various RIM topics. These topics included concerns about the definition of a record or public record, the distinction between preservation and archiving, the understanding of the life cycle of records and the applicability of these concepts in the digital landscape of organizations. One complex issue identified by stakeholders was the timing of archiving in electronic RIM practices, which has a significant impact on data subjects' rights. To meet long-term preservation requirements that mandate retention of records for up to 80 years, modifications to current information systems or acquisition of new ones may be necessary, with cost being a significant consideration. Therefore, stakeholders may not view the transfer of documents to the National Archives in a completely positive light. Furthermore, the handling of analog records, a topic omitted from the law drafter summaries, was another concern raised by stakeholders. In contrast, law drafters regarded the proposed amendments as minor technical changes, as evidenced by the following quote (Sectional Summary, 2023): "The substantive changes to be made to the law proposals submitted for opinion and to the provisions of the proposed legislative package are minor".

---

Not all professionals who deal with laws related to records and information are familiar with records management practices. The undervalued position of records management in the wider IG sphere (e.g. [Brooks, 2019](#)) may contribute to the invisibility of the stakeholder challenges. Additionally, the invisibility of records management professionals may also play a role (e.g. [Ismail and Jamaludin, 2011](#); [Kautto and Henttonen, 2020](#)). The professional point of view (e.g. [Muller, 1999](#)) can significantly impact which stakeholder statements are considered important. To avoid biases, one solution would be to collaborate with professionals, universities or research institutes familiar with analytical methods to analyze stakeholder views as a service. This would help ensure to consider the needs of stakeholders and the wider audience. Moreover, paying closer attention to recordkeeping practices in the law drafting process would promote the visibility of the law drafting records as well as the accountability and reliability of the process.

The scope of the example was Finnish-specific legislative context. The analysis was based solely on written material, which may not have been available on the authorities' websites simultaneously or with identical content. Additionally, there were no interviews with law drafters or stakeholders involved in the Archival Act proposal. At the time of the inquiry, a subsequent round of consultation on the revised proposal had yet to occur. Consequently, it is unclear how the law drafter will incorporate and represent stakeholder perspectives in the updated proposal, particularly those that are not apparent in the Sectional Summary.

### Conclusions

The examination of the guidelines for drafting laws focused on statement structures and stakeholder statements. The analysis extended to summaries provided by law drafters and stakeholder statements on the proposed Finnish Archival Act, with the aim of identifying any disparities in their viewpoints. The disparities of the stakeholder statements concern six topics (public record and archives, archiving and preservation, life cycle of records, transferring records to the National Archives, analog material and personal data). There are stakeholder statements not addressed in the law drafter summaries. Additionally, the law drafter summaries do not consider the analog material. More specifically, the study evidenced that some stakeholder views on recordkeeping challenges were not visible in law drafter summaries.

There are critical factors impeding the thorough analysis and clear understanding of stakeholder statements in the process of law drafting. These factors include the guidelines for law drafting, the structure of statements provided by stakeholders and the summaries prepared by the law drafter. Unfortunately, the current guidelines do not provide adequate support for law drafters to analyze and present stakeholder statements in a comprehensive manner. Additionally, statement structures are not consistently adhered to. The summaries prepared by law drafters often highlight the views of legislators and law enforcers, while neglecting the viewpoints of stakeholders and failing to provide any quantified references.

To enhance the analysis and visibility of stakeholder statements in law drafting, it is essential to adhere to the recommended statement structures, use guided analysis techniques and include explicit references to stakeholder statements in law drafter summaries. One effective approach to boost visibility could be to establish a centralized service that evaluates stakeholder statements independently of the law drafting process.

In analyzing the consultations provided, a value was evidenced to exist in this data in its own right. A specific consideration for recordkeepers is whether to place a greater value on these record sets for accountability purposes in the short to medium term but in addition, as a resource for when the legislation is reviewed. Potentially legislation is seen as the final product and yet at the point it is reviewed, some additional understanding about its construction could be of value.

The study highlights that content analysis of stakeholder views and law drafter summaries mainly has an impact on practice. It is considered that the practical findings of stakeholders, in particular, should clarify the requirements of the law proposals. In addition, the duties of public administration are mainly based on laws and regulations, which is why the requirements should also be clearly described in them.

Further research is necessary to investigate stakeholder statements regarding RIM obstacles that are considerable in law drafting and to look more specifically at the role of stakeholder statements. Identifying the factors or best practices that could aid in analyzing these statements and amplifying diverse perspectives is critical. Prioritizing the visibility of stakeholder statements is crucial in the decision-making process for legislation. Neglecting this crucial step can result in complications for RIM practices within organizations, heightened financial risks and compromise the processing and handling of public records containing personal data, infringing upon the rights of the data subject. The findings of the study will have potential value for consideration and research in other legislative context in Finland and for research and analysis in other countries.

## References

- Act on Information Management in Public Administration, IMPA (906/2019), “[laki julkisen hallinnon tiedonhallinnasta]”, available at: [www.finlex.fi/fi/laki/kaannokset/2019/20190906](http://www.finlex.fi/fi/laki/kaannokset/2019/20190906)
- Act on the Openness of Government Activities, AOGA (621/1999), “[laki viranomaisten toiminnan julkisuudesta]”, available at: [www.finlex.fi/fi/laki/kaannokset/1999/en19990621](http://www.finlex.fi/fi/laki/kaannokset/1999/en19990621)
- Administrative Procedure Act (434/2003), “[hallintolaki]”, available at: [www.finlex.fi/fi/laki/kaannokset/2003/20030434](http://www.finlex.fi/fi/laki/kaannokset/2003/20030434)
- Airaksinen, J. and Albrecht, E. (2019), “Arguments and their effects – a case study on drafting the legislation on the environmental impacts of peat extraction in Finland”, *Journal of Cleaner Production*, Vol. 226, pp. 1004-1012.
- Archives Act (831/1994), “Arkistolaki”, available at: [www.finlex.fi/fi/laki/ajantasa/1994/19940831](http://www.finlex.fi/fi/laki/ajantasa/1994/19940831)
- Atherton, J. (1985), “From life cycle to continuum: some thoughts on the records management–archives relationship”, *Archivaria*, Vol. 21, pp. 43-51. Available at: <https://libproxy.tuni.fi/login?url=https%3A%2F%2Fwww.proquest.com%2Fscholarly-journals%2Flife-cycle-continuum-some-thoughts-on-records%2Fdocview%2F2528221888%2Fse-2%3Faccountid%3D14242> (accessed 18 September 2023).
- Bearman, D. (1995), “Archival strategies”, *The American Archivist*, Vol. 58 No. 4, pp. 380-413. <https://doi.org/10.17723/aarc.58.4.pq71240520j31798>.
- Better Regulation guidelines (2021), “TOOL #54, analyzing data and informing policymaking”, available at: [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox/better-regulation-toolbox-0\\_en/](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox/better-regulation-toolbox-0_en/) (accessed 17 November 2022).
- Brooks, J. (2019), “Perspectives on the relationship between records management and information governance”, *Records Management Journal*, Vol. 29 Nos 1/2, pp. 5-17.
- Cook, T. (1996), “Archives in the post-custodial world; interaction of archival theory and practice since the publication of the Dutch manual in 1898”, Paper presented at the XIII International Congress on Archives, Beijing.
- Draft Government proposal to Parliament to amend the Archives Act and the Act on the National Archives (2022), “[luonnos hallituksen esityksestä eduskunnalle arkistolain ja kansallisarkistosta annetun lain muuttamisesta]”, available at: [www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edbR/](http://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edbR/) (accessed 27 October 2022).

- Duranti, L. (1997), "The preservation of the integrity of electronic records", Paper presented at the DLM-Forum on Electronic Records, Brussels, 18-20 December 1996.
- Erkkilä, T. (2012), *Government Transparency, Impacts and Unintended Consequences*, Palgrave Macmillan, London.
- EU General Data Protection Regulation (2016/679), "EU general data protection regulation", available at, available at: <https://eur-lex.europa.eu/eli/reg/2016/679/oj/> (accessed 10 September 2023).
- Excel workbook (2022), "Draft government proposal to parliament to amend the archives act and the act on the national archives [luonnos hallituksen esityksestä eduskunnalle arkistolain ja kansallisarkistosta annetun lain muuttamisesta]", available at: [www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edb/](http://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edb/) (accessed 27 October 2022).
- Farina, C.R., Epstein, D., Heidt, J.B. and Newhart, M.J. (2013), "Regulation room: getting 'more, better' civic participation in complex government policymaking", *Transforming Government: People, Process and Policy*, Vol. 7 No. 4, pp. 501-516. <https://doi.org/10.1108/TG-02-2013-0005>.
- Grimmelikhuijsen, S.G. and Welch, E.W. (2012), "Developing and testing a theoretical framework for computer-mediated transparency of local governments", *Public Administration Review*, Vol. 72 No. 4, pp. 562-571. <https://doi.org/10.1111/j.1540-6210.2011.02532.x>.
- Grimmelikhuijsen, S.G. and Meijer, A.J. (2014), "Effects of transparency on the perceived trustworthiness of a government organization: evidence from an online experiment", *Journal of Public Administration Research and Theory*, Vol. 24 No. 1, pp. 137-157, doi: [10.1093/jopart/mus048](https://doi.org/10.1093/jopart/mus048).
- HELO (2019), "Guidelines for drafting the government proposal [hallituksen esityksen laatimishjeet]", available at: <http://helo.finlex.fi/> (accessed 3 November 2022).
- Ingrams, A. (2023), "Do public comments make a difference in open rulemaking? Insights from information management using machine learning and QCA analysis", *Government Information Quarterly*, Vol. 40 No. 1, 101778, doi: <https://doi.org/10.1016/j.giq.2022.101778>.
- Isa, M and Azman, M. (2009), "Records management and the accountability of governance", Ph.D. Thesis submitted to the Faculty of Arts, Humanities Advanced Technology and Information Institute, University of Glasgow, available at: <https://eleanor.lib.gla.ac.uk/record=b2702907>.
- Ismail, A. and Jamaludin, A. (2011), "Records professionals: an invisible profession in Malaysia", *Records Management Journal*, Vol. 21 No. 1, pp. 69-75, doi: <https://doi-org.libproxy.tuni.fi/10.1108/09565691111125116>.
- Johnson, A.M. and Roman, A. (2015), "Reflections on E-rulemaking: challenges", *Limitations and Unrealistic Expectations, Electronic Journal of e-Government*, Vol. 13 No. 1, pp. 43-55.
- Kallinen, T. and Kinnunen, T. (2024), "Ethnography", in Jaana Vuori (Ed.), *Online Handbook of Qualitative Research*, Finnish Social Science Data Archive, Tampere, available at, available at: [www.fsd.tuni.fi/fi/palvelut/menetelmaopetus/](http://www.fsd.tuni.fi/fi/palvelut/menetelmaopetus/) (accessed 30 January 2023).
- Klareld, A.-S. (2017), "Closer Together or Further Apart? Public Administration and Archives in the Digital Age", Ph.D. Sundsvall: Mid Sweden University, Faculty of Science, Technology and Media, Department of Information Systems and Technology, available at: [www.diva-portal.org/smash/get/diva2:1142111/FULLTEXT01.pdf/](http://www.diva-portal.org/smash/get/diva2:1142111/FULLTEXT01.pdf) (accessed 23 February 2023).
- Kautto, T. and Henttonen, P. (2020), "Records management as invisible work: a study of Finnish municipalities", *Government Information Quarterly*, Vol. 37 No. 4, doi: [10.1016/j.giq.2020.101460](https://doi.org/10.1016/j.giq.2020.101460).
- Lausuntopalvelu.fi (2024), "A consultation service by the ministry of justice", available at: [www.lausuntopalvelu.fi/FI](http://www.lausuntopalvelu.fi/FI)
- Law Writer's Guide (2022), "[lainkirjoittajan opas]", Last update made on 29.9.2022 for episodes 13, 14-21 and 24, available at: <http://lainkirjoittaja.finlex.fi/> (accessed 3 November 2022).

- 
- Legislative Drafting Process Guide (2016), “[lainvalmistelun prosessiopas]finlex online publication”, available at: <http://lainvalmistelu.finlex.fi/en/>; <http://lainvalmistelu.finlex.fi/> (accessed 3 November 2022).
- Lindeberg, K. (2009), “Where best practice recordkeeping ends, corruption begins: the Heiner affair”, IRMA Information and Records Management Annual, pp. 61-83.
- Lonka, H., Keinänen, A., Ovaska, E., Kiiski, K., Jääskinen, V., Ylipaavalniemi, J. and Miettinen, P. (2020), “Lainvalmistelu tiedonhallinnan haasteena – tekoäly ratkaisuna?”, available at: <https://urn.fi/URN:NBN:fi-fe2020060139935>.
- Muller, M.J. (1999), “Invisible work of telephone operators: an ethnocritical analysis”, *Computer Supported Cooperative Work (CSCW)*, Vol. 8 Nos 1/2, pp. 31-61, doi: <https://doi.org/10.1023/A:1008603223106>.
- Nardi, B.A. and Engeström, Y. (1999), “A web on the wind: the structure of invisible work”, *Computer Supported Cooperative Work: The Journal of Collaborative Computing*, Vol. 8 Nos 1/2, pp. 1-8. <https://doi.org/10.1023/A:1008694621289>.
- Nieminen, K., Shoemaker, N., Kautto, P., Saarela, S.-R., Järvikangas, I., Hiltunen, E. and Rantala, K. (2019), “Tutkimustiedon hyödyntämisen hyvät käytännöt lainvalmistelussa: kohti parempaa sääntelyä?”, *Publication Series of the Government's Analysis, Assessment and Research Activities*, Vol. 38 available at: <http://urn.fi/URN:ISBN:978-952-287-741-3>.
- Rasimus, T. (2020), “Julkisen hallinnon tietoaaineistojen säilyttäminen ja arkistointi, Master’s thesis”, *University of Eastern Finland Faculty of Social Sciences and Business, Department of Law*, available at: <http://urn.fi/urn:nbn:fi:uef-20200201>
- Sectional summary (2023), Sectional summary of stakeholder comments on the Archives Act and the Act on the National Archives “[lausuntopalaute pykälittäin arkistolain ja kansallisarkistosta annetun lain muuttamisesta]”, available at: <https://okm.fi/hanke?tunnus=OKM057:00/2021/> (accessed 25 July 2023).
- Sloboda, M., Staroňová, K. and Suchalová, A.P. (2022), “Enhancing law-making efficiency, public value or both: case study of e-participation platform in Slovakia”, in Randma-given-names, T. and Lember, V. (Eds), *Engaging Citizens in Policy Making*, pp. 71-90. Edward Elgar Publishing, London, available at: <https://doi.org/10.4337/978180037436262>.
- Star, S.L. and Strauss, A. (1999), “Layers of silence, arenas of voice: the ecology of visible and invisible work”, *Computer Supported Cooperative Work: The Journal of Collaborative Computing*, Vol. 8 Nos 1/2, pp. 9-30. <https://doi.org/10.1023/A:1008651105359>.
- Summary of stakeholder comments on the Archives Act and the Act on the National Archives (2023), “[lausuntopalauteyhteenveto arkistolain ja kansallisarkistosta annetun lain muuttamisesta]”, available at: <https://okm.fi/hanke?tunnus=OKM057:00/2021/> (accessed 25 July 2023).
- The Act on the National Archives (1145/2016), “Laki kansallisarkistosta”, available at: [www.finlex.fi/fi/laki/ajantasa/2016/20161145](http://www.finlex.fi/fi/laki/ajantasa/2016/20161145)
- The Guide to Consultation in Statute Drafting (2016), [“Säädösvalmistelun kuulemisopas”, ], available at: <http://kuulemisopas.finlex.fi/> (accessed 3 November 2022).
- Tuomi, J. and Sarajärvi, A. (2009), *Laadullinen Tutkimus Ja Sisällönanalyysi*, Tammi, Helsinki.
- Upward, F. (2005), “The records continuum”, In McKemmish, S., Piggott, M., Reed, B. and Upward, F. (Eds), *Archives: Recordkeeping in Society*, Centre for Information Studies, Charles Stuart University, Wagga, New South Wales., pp. 197-222.
- User's Guide (2017), “[käyttäjän opas], Lausuntopalvelu.fi guideline”, available at: [www.lausuntopalvelu.fi/Fi/Instruction/Instruction?section=Instructions/](http://www.lausuntopalvelu.fi/Fi/Instruction/Instruction?section=Instructions/) (accessed 2 November 2022).
- Uusikylä, P., Keinänen, A., Vartiainen, N., Ervasti, K.T., Salminen, V., Kettinen, J., Lintinen, U., Köppä, L. and Lindström, E. (2023), “Kohti laadukasta lainvalmistelua lainvalmisteluprosessin laatuindikaattorit. Government analysis, assessment and research publication series”, 2023:13. available at: <https://urn.fi/URN:ISBN:978-952-383-467-5/> (accessed 20 April 2023).

---

Voutilainen, T. (2007), *Hyvä Sähköinen Hallinto*, p. 2. Edita, Helsinki.

Voutilainen, T. (2019), *Oikeus Tietoon: informaatio-Oikeuden Perusteet*, p. 2. Edita, Helsinki.

Xie, S.L. (2016), "Retention in 'the right to be forgotten' scenario: a records management examination", *Records Management Journal*, Vol. 26 No. 3, pp. 279-292.

### Further reading

---

Jukka, L., Keinänen, A. and Keskinen, L.-M. (2022), "Tietopohja ja asiantuntijoiden kuuleminen koronaperusteisessa lainvalmistelussa – jyrääkö kiire alleen hyvän lainvalmistelun periaatteet? Referee article, edilex", available at: [www.edilex.fi/artikkelit/27487](http://www.edilex.fi/artikkelit/27487)

Ministry of Education and Culture's request for a statement on Draft Government proposal to Parliament to amend the Archives Act and the Act on the National Archives (2022), ["Luonnos hallituksen esityksestä eduskunnalle arkistolain ja kansallisarkistosta annetun lain muuttamisesta"], available at: [www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edb/](http://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=a1ef58b2-a2e7-4c0b-9b4d-58f4d56f8edb/) (accessed 27 October 2022).

Responsibilities (2024), "Web page maintained by the ministry of justice", available at: <https://oikeusministerio.fi/vastuualueet/> (accessed 3 November 2022).

Serrano, M.A., Calero, C., Sahraoui, H.A. and Piattini, M. (2008), "Empirical studies to assess the understandability of data warehouse schemas using structural metrics", *Software Quality Journal*, Vol. 16 No. 1, pp. 79-106.

The Constitution of Finland (1999), "[suomen perustuslaki]", available at: [www.finlex.fi/fi/laki/kaannokset/1999/en19990731](http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731)

### Corresponding author

Tuija Kautto can be contacted at: [tuija.kautto@tuni.fi](mailto:tuija.kautto@tuni.fi)