



The Official management of Civil and Criminal Records in Cameroon: An electronic based approach.

By: Anoumbuandem Benvolio Lekunze
Faculty of Laws and Political Science.

Abstract

This article examines the management of civil and criminal records in Cameroon under the current paper regime system and lays emphasis on the inclusion of the alternative way via new information communication technologies. This is because the world has evolved and clearly, the huge number of records managed via the paper based approach is no longer very effective. It suggests that an electronic based approach should be used to meet up with the current evolution and the frequent need to refer to civil and criminal records to make relevant decisions. The problems identified are high management cost in the current paper management system, the risk of hard copy information to be affected by man made causes or natural causes, the excessive time and energy used to retrieve individual records from hard copies and the burdensome task of compiling and transmitting hard copy documents to the competent services. The article evaluates this paper management style as compared to what obtains in some countries where records management is basically electronic based. The analysis has been done using the qualitative methodology and the doctrinal method. The article highlights the disadvantages of using only a paper based approach in managing records in Cameroon and shows the advantages in using an electronic based approach to manage same. It highlights and draws awareness to the introduction of a unique identification number for all citizens in Cameroon that could be used to manage their records through a domain name server by competent authorities. The research is relevant at this time because of the current evolution in the world in information communication technologies and the need by different agencies to share information on individual civil and criminal records. It is beneficial to the court registries across Cameroon, the ministry of Justice, the civil status registrars police services and concerned individuals. It also paves the way for further research in the area. It was found out in this research that managing records through a paper based regime is highly ineffective and may lead to false conclusions because some conclusions are at times based on unverified declarations. That is why the article concludes that a digital based approach should be encouraged in Cameroon alongside the paper based approach with the tendency of progressively discarding paper records from the oldest ones that no longer serve their purpose as time passes.

Key words: management, Civil Records, Criminal Records paper, electronic.

1. Introduction.

The official management of records is a vital component in every country. It is used to track and understand changes in terms the demography of a country, socio-economic changes, freedoms and liberties etc. It is especially important for security purposes to know the level of criminality in the justice system of a country and how to deal with owners of criminal records. It also enables a proper follow up of incarcerated persons and directs reformatory steps. Records management refers to the supervision and administration of digital or paper records by individuals and entities. But our focus here is the management of records by the state of Cameroon. It is important before progressing to understand the definition of a record since this article is based on it. A record is a documentary account of past events usually designed to memorize those events or information that is inscribed on a tangible medium like an electronic platform or other hard medium.¹ It includes the creation, receipt, maintenance, use and disposal of such records.² After memorizing such events, the records are either stored physically on different types of locations or electronically in the digital format on databases. It may be observed that storing records in the electronic form still makes them tangible with the same value as records stored on hard surfaces. This is because the data stored electronically can be manipulated or changed from one form to another, edited, destroyed or even removed. Simply put in the context of this article, the official management of records refers to the keeping of records that shows the status of the citizens and residents of a country with several indicators that can be used to manage that country. These records can be split into two main categories which includes individual civil and criminal records. It may be noted that another category of records that are stored in Cameroon are records that concern the country's history and politics that are lodged in the national archives. These are hard copy documents stored in the national archives. It may be observed that the documents stored on hard surfaces in these national archives in Cameroon have suffered from serious environmental degradation to the extent where some of them are difficult to read. Still yet, most of these very important records have not been transcribed into soft copies. This although is not the focus of this article. This article mainly deals with the management of individual civil and criminal records in Cameroon by the civil status registries and the justice system.

The history of records keeping dates back to the 1700s in the era of Napoleon during his reign in Europe. During this time, many areas under his rule began the process of civil registration. The system of registration continued till date and it is observed that the French civil registration system dates as far back as 1792 where records were held at the registries of local town halls. The system of civil registration came a little bit late in continental Africa and America. Today, hard copy records on papers are still kept in different registries around the world. With the discovery of computers and new communication protocols this idea has greatly changed. This can be attributed to rapid population growth, globalization and many civil and commercial

¹ Bryan A. Garner, Blacks' Law Dictionary, Minnesota, (1999) West Group, Seventh Edition, P.1279.

² www.techtarget.com (accessed on the 11th of April 2024).

transactions in high demand across countries different countries. Most records nowadays are held and managed in soft copies through electronic and digital communication processes through various platforms via database registries from where they are shared.

The thematic scope of this article is on the official management of records with reference to Cameroon. It dwells on the registration of information pertaining to persons on official databases while laying emphasis on the alternative which involves management through electronic platforms with the use of new information communication technologies (ICTs) as opposed to management under the current paper based regime. It is limited to the official management of records by government services in cases of births, marriages, deaths and the criminal aspects of citizens and persons domiciled or resident within Cameroon.³

While civil records are more general and broader in scope and refers only to the consistent recording and management of civil events in the lives of citizens, on the other hand, criminal records are handled only by competent judicial authorities. Criminal records specifically refer to the filing and management of the criminal records of a convict after a judgment has become final.⁴ There may be a misconception in the context of a police record and a criminal record. A police record refers to the recording of data by a competent police service that is used for the prevention, detection and to investigate and prosecute crimes. Police records also includes records of arrest and prosecution (RAP) which is similar to a criminal record. In Cameroon, criminal records pertain only to the list of offences that have not been expunged.

Both civil and criminal records in Cameroon are typically stored manually in hardcopy files in folders by the competent services that may be consulted before making certain decisions about an individual's life like employment, recruitment in to the civil service, appointments into government positions, the issuance of certificates of non-conviction, retirement etc. Official records keeping in Cameroon is predominately paper based with the exception of some services like the ministry of public service and some other government services that have started keeping the records of most civil servants and state agents in soft copies and online platforms. This has greatly relieved government employees to get information as to their status in the civil service and easy access to retrieve some documents like pay slips from the comfort of wherever they may be.

Due to the ever growing population of the world and the need to always request information for different purposes, it is of paramount interest to ensure that records are kept in soft copies on electronic databases. It is for this reason that this article explore the ways in which records can be kept and managed properly under an electronic based approach for rapid consultation and safe keeping. In Cameroon, almost all competent services keep civil and criminal records only on hard copy documents without considering the risk of damage and other environmental hazards that may adversely affect the records over time. It has thus invariably been observed that the

³www.en.wikipedia.org/wiki/Civil_registration. www.dictionary.cambridge.org/us/dictionary/english/criminal-record. (Accessed on the 07/04/2024)

⁴ A judgment becomes final when all the avenues of appeal or the possibilities to appeal have been exhausted. In such a situation, the judgement becomes *Res judicata*.

filing of these hard copy records also consume more space, time and pose more difficulties in consulting their contents whenever need arise. Due to the above difficulties, this article addresses the problems associated with the traditional paper based approach of record keeping in the context of Cameroon and advocate for an overhaul in the approach by introducing a consistent electronic based approach in keeping and managing both civil and criminal records.

An area where difficulty constantly arises in Cameroon due to the way records are managed is in the application and issuance of certificates of non-conviction. The applicant must either apply for it in the Court of First Instance⁵ of the place where he was born or at the ministry of Justice in Yaoundé where the central index cards of criminal records are lodged.⁶ Most often it takes time and exorbitant cost to travel and get a certificate of non-conviction with doubt as to whether proper verification is carried out from the numerous hard copy records kept before issuing a certificate of non-conviction. There is also the problem of whether the hard copy based criminal records at the Courts of First Instance and at the ministry of Justice are updated or synchronized regularly. This is because it is the duty of registrar to compile each criminal record in five copies and manually send them to the various competent services. On the other hand, electronic records can be easily updated on a platform, synchronized and their contents easily shared amongst authorized users. Because of the fact that criminal records in Cameroon are typically stored manually, most of the certificates of non – conviction issued are arbitrarily done based only on the declaration of the applicant that he has no criminal record.

2. The relationship between civil and criminal records.

Civil records are stored based on declarations and the management of criminal records in Cameroon is based on the civil records of individuals.⁷ Civil records basically contain the event, the date of the event, the name, or names of the concerned, the age of the concerned, the place of birth, the gender and sex of the individual or individuals concerned. In Cameroon, the place where criminal records are lodged is dependent on the civil records of the concerned. Therefore this creates a fundamental relationship between the place of birth and the place where the criminal records of an individual are lodged. It is for this reason that this article dwells on civil and criminal records simultaneously. This is even more obvious because pursuant to Section 573 of the Cameroonian Criminal Procedure Code (CPC),⁸ the place where the criminal records of an individual originates is based on the individual's place of birth and can only be correctly ascertained from the civil recording of the individual's birth.

The Court of First Instance of the place where an individual is born in Cameroon and the ministry of justice are the competent institutions to lodge and manage the criminal records of an individual. No other Court of First Instance except that of the place where an individual is born is competent to lodge that individual's criminal records. For foreigners in Cameroon and Cameroonians born out of Cameroon, their Criminal records are only kept at the ministry of

⁵ Section 573(1) of law N° 2005 of 27th July 2005 on the Cameroonian criminal Procedure.

⁶ *Ibid*, Section 573(3)

⁷ This is so because the place where the criminal record(s) of an individual is lodged depends on where he is born and no even where the individual committed the offence.

⁸ Law N° 2005 of 27th July 2005.

justice as stipulated in article 573(3)(b) of the CPC because they are born out of the country. It is therefore clearly seen that the civil registration of the place of birth of an individual in Cameroon is the only determining factor that attributes competence to the authority and the place where the individual's criminal records are kept and managed.

Despite the relationship that exist between civil and criminal records, It may be observed that civil records are created by those concerned with the events,⁹ while criminal records are created by the state. Generally, those responsible to create civil records are the people concerned with the events.¹⁰ They may have several options to lodge their civil records in any chosen civil status registration center as concerns marriages. But in cases of births and deaths, it is the closest civil registration center in the jurisdiction where these events happen that can appropriately record and establish certificates. It may also be observed that unlike criminal records, Parents create civil records for their children and spouses create the records for their marriage or any other civil relationship, while in cases of death, it is the declaration of witnesses that matter and the place where the deceased died. The records are then registered after such declarations and kept by the competent jurisdiction where they could later on be consulted. In some countries, government authorities dispatch workers who may go around to seek cases that need civil registration where upon having such information, they will record and file them at the competent services. But this is not the case in Cameroon where at times government officials of the social welfare services call on partners who have been in pre-marital relationships to celebrate and register their marriages in specific civil registration centers. For deaths and births, civilians and witnesses are instead bound to declare such cases. It is even mandatory for civilians to declare births and deaths. That is why section 370 of the penal code punishes every competent and compellable Cameroonian residing in Cameroon who fails to declare such events that directly concerns them.¹¹

Criminal records in Cameroon on the other hand are generally established by the justice system where the court registrars upon being notified of a conviction with a final decision, records the conviction on five index cards. Copies of these records are stored manually in a filing system of a competent Court of First Instance and the Ministry of justice depending on the place of birth of a convict. It should also be noted that Criminal records in Cameroon up till date as has been elaborated in some sections of the Criminal Procedure Code are not kept by the Cameroonian police services.

⁹ Articles 12 and 14 of the 1981 Cameroon Civil Status registration ordinance is clear on this. Article 12(1) makes mentioned of the persons concerned and states that: Civil status certificates shall state the date of events attested to therein, the date on which they were drawn up, and the full name, sex, occupation and domicile or place of residence of the persons concerned. While Article 14(1) mandates the people who have knowledge of the events of birth and death to provide such records. It states that: Birth and death certificates shall be signed jointly by the civil status registrar and secretary of the registry upon production of declaration from the father or mother, or from the head of the hospital or other medical institution where the birth or death took place, or from any other person having knowledge of the event.

¹⁰ See Article 4 (1) of N° 81 – 02 of 29 June 1981. It states as follows; Every Cameroonian residing in Cameroon shall, under pain of the penalties provided for in Section 370 of the Penal Code, be bound to declare to the competent civil status registrar of his area births, deaths and marriages concerning him and taking place or celebrated in Cameroon. (2) Foreigners residing in Cameroon shall be bound to have registered or transcribed into civil status registers opened in their area of residence births, deaths and marriages concerning them or taking place or celebrated in Cameroon.

¹¹ *Ibid*

Another difference between civil and criminal records is that civil records are important in identifying individuals within any given society and provides the government with important statistics. If properly managed, the records can at all times tell the number of children born every year and the number of deaths each year with no need for costly field trips to do population censuses. On the other hand, a criminal record has a negative connotation to the person involved but important to the justice system because it provides information on the criminal records of an individuals. The government may use the criminal record of an individual to determine his access to different types of services and benefits. It is for instance risky to employ or hire an individual with a criminal past who may pose a threat at workplace or become a liability to an employer. This is more so because some sectors of employment require trust in handling sensitive information and the job may entail dealing with vulnerable people like children and women. While civil records are kept in civil registration centers based in the councils for the interest of citizens, criminal records on the other hand are kept by the Competent Courts of First instance and the Ministry of Justice.

3. The establishment and preservation of Civil records in Cameroon.

Civil records are established and preserved at the civil status registration centers in Cameroon that are based in the councils. The civil records which includes births, deaths and marriages especially are established based on the declaration of the persons concerned. These persons include those that are directly concerned with the events or witnesses to the event whereupon their declarations of the event is registered in the civil status registration registers.¹² The records are later on preserved inside paper registers in three copies. This suggests that up till date in Cameroon, civil records are only preserved on hard copies. This is apparently the case because the 1981 ordinance makes mention of three registers that comprise counterfoil registers numbered and initialed by the president of the competent Court of First Instance.¹³ The understanding that these records are kept only in hard copies is further supported by Section 16 (1) of the Civil Status Registration Ordinance that makes mention of the fact that civil status certificates shall be recorded serially without any erasures. An erasure points to the fact that it is a hard copy document that is involved. In electronic documents, a portion may be taken out of it by deleting and not by erasing.

The establishment an preservation of civil records in Cameroon could be done through an electronic management system of records with the use of unique identification numbers that are attributed to all its citizens, this is not the case in Cameroon. In most developed countries, civil records are managed through individual identification numbers. Cameroon up till date does not attribute national identification numbers (NIN) or social security numbers (SSN) to its citizens. The unique identification number is attribute once in the life time of a citizen either at birth or later on in life to track and manage the citizen's records. This number is mostly used in digital regimes. By not adopting the practice of digital records management in the civil life of Cameroonians, difficulties often arise. An alternative that is usually used in Cameroon is a

¹² Section 2 of Ordinance N° 81 – 02 of 29 June 1981.

¹³ *Ibid* Section 15.

social insurance number or a civil service number known as the matricule number that only track private sector employment and government employment of citizens and foreigners working in Cameroon.

Therefore, by establish and managing civil status documents only on hard copies in the opinion of this article is not a practical option because to retrieve information from hard copies is not only cumbersome but also time consuming. In this modern era laden with the increasing need to store more civil records, it is prudent to envisage an alternative where civil records will be electronically created and preserved on both hard and soft copies. There are some risks that are involved in keeping important records only on hard copies which may involve physical damage of the documents, theft, erasure of their contents etc. This will be discussed later in this article. By introducing an identification number at birth to all Cameroonians it maybe possible to even issue civil status documents like birth certificates in which ever civil status registration center that a concerned party decides to declare his birth.

4. The management of Civil Records in Cameroon.

The management of civil records in Cameroon is generally organized by Ordinance N° 81-02 of 29 June 1981 that has been supplemented and modified by Law N° 2011/011 of 6th may 2011. It is clearly stated in the 1981 ordinance of its section 1 of part one that the ordinance governs the registration of births, marriages and death in Cameroon. The ordinance does not suggest anywhere whether the registration can be done in the electronic format where it can be saved and managed through a network with via a data source name server (DSN) or any other type of network. From the wordings of Article 4,5 and 6 of the ordinance, it is mandatory to declare births within ninety days upon its occurrence.¹⁴ Although this time frame can be increased through a declaratory judgement from a High Court.¹⁵ Failure to do so attracts sanctions under section 370 of the Cameroonian Penal code. An apparent reason why an electronic based approach was not envisaged in Cameroon in keeping and managing civil records points to the fact that the 1981 ordinance was enacted at a time when computers and the internet were not common. Looking at the reality today with the introduction of computers and the internet, considering the vast number of civil registration that needs to be carried out in Cameroon and the infrastructural insufficiency of space coupled with urgent need to always retrieve data within limited time, it is necessary to envisage the management of civil status documents in Cameroon through a digital regime.

Civil records are kept in present day Cameroon only on hard copies. That is why section 16(1) of the civil status registration ordinance of 1981 in Cameroon only mentions registers and counterfoils. The language of this section clearly indicates that civil records are kept in Cameroon in hard copies despite the attendant risks. The competent bodies in Cameroon that keep and preserve civil records are the civil registration centers in the councils, the courts of first instance and Mayor's office of Yaoundé.¹⁶ The mayor's office is competent especially when

¹⁴ See article 30 of N° 2011/011 of 6th May 2011.

¹⁵ *Ibid* articles 32 and 33.

¹⁶ Article 18(4) of N° 81 – 02 of 29 June 1981.

such events happen out of the Cameroonian territory. These institutions are competent to record and preserve births, adoptions, legitimations, deaths and marriages.¹⁷ The original copies are kept by the council officials in the main registries and the subdivisional officer or district heads in the case of special registries while a duplicate which is a counterfoil is kept at the registry of the courts of first instance.¹⁸ Worthy to note is that as concerns cases of births, marriages and deaths that occur out of Cameroon, section 18(4) of the Cameroonian civil status registration actually gives competence to the diplomatic missions abroad to register and transmit the records of such events from registers opened at their missions through the ministry of foreign affairs which are then submitted to the state counsel of the court of First Instance Yaoundé where they are endorsed and sent to the mayor's office in Yaoundé. There are two problems created under the 1981 Civil status Registration Ordinance. It does not indicate which court of first instance is called the Court of First Instance Yaoundé in the present context where there are several courts of first instances in Yaoundé? The second preoccupation is whether which mayor's office in Yaoundé is competent to manage records declared and established abroad? There are several councils in Yaoundé today and no particular mayor can be termed the mayor of Yaoundé.

From the forgoing, it is observed that civil records in Cameroon are kept basically on hard copy documents in two institutions i.e. the civil status registration centers at the councils where the originals are kept and the Courts of First Instance where the counterfoils are kept. This long and bureaucratic way of producing and handling civil records is not reflective of the present evolution where documents are kept in soft copies across computers to avoid the dangers of keeping them only on hard copy documents. Generally, it is not forbidden to keep civil records as hard or soft copies. But keeping such vital and important documents only on hard copies within the context of a reasonable foreseeable harm to the contents in the present world is not a wise strategy.

5. The Establishment of Criminal records in Cameroon.

Criminal records in Cameroon are established based on the civil records of where a person is born. The establishment of Criminal records in Cameroon begins when an accused has been convicted of an offence or a preventive measure taken against the accused. It is strange practice that as section 578 of the CPC suggests, criminal records are established irrespective of whether a sentence can still possibly be nullified on appeal or a convict is acquitted. When this situation occurs, a criminal record stored on an index card is subsequently nullified and the index card has to be withdrawn.¹⁹ A problem that may arise is that if there is no follow up under a typical paper regime like in Cameroon, the records may still be filed even after an acquittal or a sentence is nullified. This type of situation can easily be avoided in a digital regime if a computer system is programmed to overwrite previous recordings. Why the practice of establishing criminal records is seen as premature in Cameroon for cases pending is because for cases pending an appeal, the appeal supposed to generally stays the execution of any judgement. The only exception being for civil judgements that a court has ordered the provisional execution of certain

¹⁷ *Ibid* Article 14(1)

¹⁸ *Ibid* Article 18(3).

¹⁹ Section 578(1) of the CPC.

parts of the judgement. Ordinarily, a criminal record can be withdrawn only if a sentence is expunged by amnesty or rehabilitation. Strange again is the fact that even after an index card that contains the criminal record is withdrawn it is still filed and can be consulted upon authorization from the legal Department.²⁰ It may be observed that Cameroonian legislations do not make provision to discard criminal records even if such records are expunged. By not making provision to discard criminal records, the definition of a criminal record in Cameroon is not complete because one of the constituent elements in the definition of records management is to discard the unuseful ones.

The appropriate time to established a criminal record is when a sentence or preventive measure has become final. A sentence becomes final when there is no pending appeal, no application to set aside the judgement or when the deadline to file an appeal or file an application to set aside the judgement has elapsed. Good practice warrants that a registrar should issue a certificate of non-appeal before proceeding to start the process of establishing a criminal record. Criminal records it should be borne in mind, are supposed to be kept only for all sentences that have not been expunged and only removed when the records have been expunged.

Criminal records are generally derived from court judgements unlike in some other countries as seen above where criminal records may originate from the police departments that are stored as records of arrest and prosecution (RAP). Pursuant to section 573(1)(a)(b) of the Cameroonian Criminal Procedure Code, these records are managed and established at the registries of the Courts of First Instance and the Ministry of justice. The records are stored in three types of bulletin records i.e. number 1,2 and 3. Section 581 (a) (b) and (c) respectively explain what the various bulletins mean. Bulletin N° 1 is a complete statement of the index card concerning a given person which is an extract of all sentences, preventive measures and expulsion orders issued against a given person, bulletin N° 2 is an extract which is less complete and does not mention decisions expunged by amnesty and rehabilitation and Bulletin N° 3 is delivered only to the owner of the criminal record. It mentions only sentences to loss of liberty not expunged by amnesty or rehabilitation. It also mentions penalties related to traffic offences for foreigners.

There is no indication that shows that these records are stored in electronic format because the wordings of sections 573 to 581 of the CPC constantly makes mention of index cards which are hard copy documents classified alphabetically these cards are supposed to have a particular size which has not also been mentioned in the CPC. An index is typically an alphabetized listing of the topics or other items included in a single book or document²¹ which is used in noting or recording information.²² Index cards typically have the size of 7.6 X12.7 centimeters. This suggests that in Cameroon, since index cards are constantly mentioned in the CPC without any mention to other forms of criminal records keeping, then, it can be reasonably presumed that criminal records are created and managed only through hard copy documents in Cameroon.

²⁰ *Ibid* (3).

²¹ Brayn A. Garner, *Black's Law Dictionary*, West Group: Minnesota (1999) seventh Edition, P. 774.

²² www.dictionary.com>index. (Accessed on the 1st of May 2024).

Criminal records in Cameroon are produced and kept in five copies.²³ This is done when the registrar of a said court establishes a criminal record index card in five copies. Two copies of the said index card is forwarded to the registry of the Court of First Instance of the place of birth of the convict, Two copies are forwarded to the central criminal record office at the ministry of Justice where they are filed alphabetically. The fifth copy is usually inserted in the case file of the convict in the court that passed the judgement. There are two competent authorities in Cameroon charged with the establishment of Criminal records. These are the registry of all Courts of First Instance and the ministry of Justice.²⁴ Section 573(2) charges the Courts of first instance to establish and manage records of persons born within the jurisdiction of the courts. These records are kept in an index cards known as the district index cards. Section 573(3) directs the ministry of Justice to keep two duplicates of the said records but goes further to authorize the ministry of justice to exclusively keep and manage the records of persons of Cameroonian nationality born abroad and persons of foreign nationality born abroad. It further handles the criminal records of persons of foreign nationality born in Cameroon whose birth has not been declared at the Cameroonian civil status registry and who reside in Cameroon and finally the criminal records of persons of the ministry of justice handles the criminal records of Cameroonians or foreign nationals whose place of birth is unknown or who have doubtful nationalities.²⁵ Upon the establishment of criminal records, they have to be managed in such ways that to consult them and retrieve information by any competent authority wherever they are based should be less cumbersome and less time consuming. Unfortunately this is not the case since these records are not kept and managed electronically.

6. Managing Criminal Records in Cameroon.

The management of criminal records in Cameroon is predicated upon sections 573 to section 580 of the Criminal Procedure Code i.e. Law N° 2005 of 27th July 2005. These sections attribute competence to the Courts of First Instance across the country and the Ministry of Justice to manage and keep criminal records. The wordings of these sections, convey the idea that these records are managed exclusively by a paper based regime because there seems to be no suggestion that an online platform is used since there is no mention of same. All these sections point to the direction of hard paper based management system on index cards. As mentioned above, there are huge benefits to manage criminal records via digital and online platforms where the paper based approach could only serve as a backup. For instance, in the application for a certificate of non-conviction, the applicant must travel to the Court of First Instance of the place where he was born or to Yaoundé where the central index cards are lodged. But if criminal records were stored electronically across an electronic communication network available to the issuing authorities, certificates of non-conviction could be issued in any part of the country by a competent authority provided he can log into the system to consult the records of the applicant. Besides, the monopoly of the ministry of justice and its court institutions in managing criminal records makes the retrieval of information a tedious and boring task. This is not the situation in

²³ Section 574 of the CPC

²⁴ Section 573 *ibid*.

²⁵ See Section 573(3)(a),(b) and (c) of the CPC.

most developed countries where both the judicial and police authorities and some other agencies keep and manage criminal records electronically.

Comparatively, these developed countries manage their criminal records via online platforms. In Canada for instance, criminal records are kept electronically by the Criminal information management services which is a centralized database operated by the Canadian Police Information Center (CPIC) since 1972. The Canadian data base include convictions that have not been pardoned, charges, outstanding warrants and judicial orders. In France, the criminal records of French citizens are kept and managed through an electronic register supervised by the ministry of justice. The data stored includes sanctions and convictions secured by all courts since 1966. In England and Wales, a police national computer(PNC) hold criminal records in an electronic data base for at least one hundred years and in the European Union, records are kept electronically on the European Criminal Records Information System (ECRIS) that allows European countries to access and share information concerning their citizens. It can be observed that these few examples above point to the fact that these records are kept and managed through a vast network of computers and communications protocols that give easy access to store and retrieve such information.

In Cameroon, sections 573 to 580 of the criminal procedure codes elaborates on the central index cards that are stored as hard copies within the courts and the ministry of justice. This system of storing and managing criminal records in the opinion of this article is inefficient and ineffective because of the volume of records that have to be kept at each given moment within limited space. It is also difficult to retrieve the information for use and the information can easily be damaged by hazards like fire, flooding or even theft. By storing and managing criminal records through electronic platform provides basic guarantees to the security of the information and its subsequent retrieval.

6.1. The Importance of criminal records.

The keeping of criminal records is as old as crime itself because man is infallible. The importance of keeping criminal records points to its relevance in making important decisions concerning the holder of a criminal record. That is why a criminal background check of an individual is usually carried out for various reasons. Criminal background checks in most developed countries are most often done for employment, housing, Education, professional licenses, financial and social services, travel restrictions etc. Because in Cameroon these records are managed exclusively by the ministry of justice and its Courts of First Instance, it is often difficult for other stakeholders to be informed of an individual's criminal records before a decision is made. This is because such records are not usually available on an electronic platform where it could be easily consulted. Therefore, considering that criminal records are not managed electronically via communication networks in Cameroon, how possible then will private employers, the social services and other decision makers readily have access to process people in need of the various services outlined above? Before attempting an answer to this question, it is imperative to examine the use of criminal records by different services.

6.1.1. Employment;

Many employers carry out criminal checks of prospective employees before hiring them. This is because certain tasks are delicate and sensitive and an employer may not have confidence to

employ someone with a criminal record. It should be noted that one of the most important clauses in the terms of most employments is for an employee to render faithful services to his employer. Some employees are expected under their terms of employment to work with vulnerable people and to maintain professional secrecy. A person who has once been convicted of rape or for a sexual offence against minors for instance will be a high risk employee to work in an institution that puts his authority over children and even women. That type of person may be considered as a pedophile which gives a negative impression. Likewise in a health care institution where vulnerable children and women are admitted for treatment, a former rapist or pedophile will constitute a high risk to the patients. The offence of rape in many instances shows the tendency of repetition because most rapists are serial. Therefore, the likelihood that an employee with a record of rape who is working in a medical institution is likely to commit same is high since he may have the opportunity and easy access to commit the same offence on female patients who are weak and vulnerable. But it is also clear that most past offenders may have been reformed but the fact that the same individual had once carried out a certain type of offence like rape points to the fact that he may still have the same disposition to carry out same. Besides, as pointed out above most rapists are serial and may have in the past committed same act on a larger scale without detection. Another example where an employee is expected to have a clean criminal past is in the field of banking where an employee's duties are based on trust. An individual who has once been convicted of theft of a banking institution's funds may be difficult to be employed by another banker. Besides, the impression given to a customer who lodges his funds in a bank where a former financial convict works, the customer will not have trust in the way his account is managed. This type of situation where a former financial fraud convict is employed in a bank may in a worst case scenario lead to the collapse of the bank's business. Cases have been observed where lack of confidence has led to the collapse of a bank's business. This is because customers are usually so sensitive to the extent where any lack of confidence may lead to a huge demand for withdrawals more than what the bank actually has as funds to disburse to its customers within a given time frame.

6.1.3. Housing.

Criminal records create a stigma to the holder especially amongst his neighbours who may fear for their personal security and property. A landlord may be interested to know the criminal records of a prospective tenant for the safety of other tenants and for the security of his landed property. Typically, tenancy agreements have a clause that forbids a tenant from carrying out criminal activities in the premises of the landlord. A former convict may find it difficult to secure proper housing for fear of the unknown by the landlord and other tenants. This is especially challenging in areas where there is competition in rental markets where it is important to know the past conduct of prospective tenants who may not only scare other tenants but may cause the rental value of a property to drop. In some rented apartments with adjoining neighbours, co-tenants are notified if any tenant within the property has a criminal record. That is why in neighborhoods where crimes are common, the rental values of property in such areas are also low because most people don't like to stay in such areas.

6.1.4. Education;

There may be some restrictions to admit certain applicants into some educational institutions if they have a criminal past. This may be typical of educational establishments that have special

admission requirements for admission into programmes to study health education, engineering, biomedical science etc. People with a criminal past may also be restricted from having certain scholarships or financial aid programmes. It is important to run a criminal background check before dealing with every individual as regards the above mentioned purpose.

Although it is important for a decision maker to know the criminal record of a prospective person that he may deal with, having a criminal record is generally detrimental to the holder. This is because it can hamper the holder's finances and create a stigma that may affect the holder's family and his social ties. It may be hard for instance for a criminal record holder to obtain a loan from a commercial bank because his conduct to repay the loan may be deemed doubtful. This is usually also attributed to the difficulties that is involved in securing a lucrative job by an ex-convict. By not securing a job or being an entrepreneur, it will be difficult for such a borrower to raise funds to repay a loan.

7. The advantages of electronic records.

There are several advantages and minimal disadvantages nowadays to keep records in the electronic format. The advantage to manage records electronically relies on the introduction of new information communication technologies that can better serve the purpose of records management in the modern era. It may be observed that criminal records management in the 2005 Cameroonian Criminal Procedure Code still directs records management through the paper based regime. This approach does not augur well because the 2005 Criminal procedure Code is a new legislation that was enacted in the advent of new information communication technologies (ICTs). The code directs all criminal records management on index cards which are hard copy documents. Paradoxically, civil records management on hard copies can be comprehended the way it is because the 1981 Cameroonian Civil Status Registration Ordinance is an old enactment that was passed at a time when computers and information communication protocols were not common in the country. But still, what justification can be made, given the fact that the 1981 Civil Status Registration Ordinance was supplemented and modified in 2011²⁶ in the advent of new ICTs without any necessary adjustments to manage civil records electronically. This suggests that the Cameroonian legislator has not paid enough attention to the need of electronic records management under the present dispensation. It can be suggested at this point that the whole system of official records management in Cameroon should be revised to meet up with new challenges and the realities of modern times. By doing this, several benefits will be derived in Cameroon that will lead to more effectiveness and efficiency in the official civil and criminal records management process. The following are some of the advantages;

7.1. The Capacity to Store data in a comparatively smaller space as opposed to the space that hard copy documents will need.

Considering the current population of Cameroon which is fast growing, civil and criminal records are constantly being generated at a geometrical rate. The implication of this is that more storage space is needed to manage the increasing data generated. Computer systems have the ability to compress documents into very tiny signals that can be stored in the memory of the computers and accessed easily from their random access memories. This is opposed to physical

²⁶ Law N° 2011/011 of 6th may 2011.

space needed to store physical files that are difficult and strenuous to retrieve information from them. Besides, for instance it takes a lot of energy to sort out a particular index card for an individual or to consult the counterfoil of registers in the civil status registration centres. It is for this reason that most registrars at times need to be lobbied before they can produce vital information in their keeping.

On the other hand, it is easy to access electronic records with minimal search from a DSN server. Automation allows the same information to be accessed not only from a single computer but from several computers that are connected either online through a small network or through the internet. The advantage of storing and managing records on computers is that computers have the unique characteristic of storing huge data in a very small space. These information or records can be stored as compressed folders and even zipped again inside zipper folders. They can be stored as audio messages in Mp3 and Mp4 formats.²⁷ This permits the subsequent retrieval of the information either through physical or a virtual medium much more easier; while under the paper regime, the opposite is true.

7.2. Electronic information is easy to access;

It is easy to retrieve digital records through different types of searches that are automated. It suffices to type the name of the file or any sentence that is the same or similar to the contents of the file and it will be displayed. This process is aided by the random access memory (RAM) of electronic devices through automated processes that allows files to be retrieved from a digital records registry. The registry can search thousands of records within a very short time. Meanwhile as regards searching information from hard copy documents, files have to be manually moved and flipped to gain information. The interesting thing about digital documents is the ability to access their contents from any location provided there is an online connection that authorizes access to the digital registry where the information is lodged.

7.1.The Ability to Store electronic records in computer systems that is accessible to all authorized users.

One of the advantages of storing and managing both civil and criminal records through computer systems networks is that if one computer is damaged, it is easy to download or retrieve the same information from a different computer by using a data source name (DSN) provided the source data has not been altered or destroyed. It is even more practical to store such records on an online platform on multiple servers such that even if one system is hacked, the other will serve as a backup. Generally when information is stored on a server, the information can be retrieved via its DSN name. DSN is a data structure containing specific information about a specific data structure that can be connect to an open database connectivity(ODBC) driver. The DSN contains information such as the database name, directory, driver and identity and at times the password of the user. If civil and criminal records in Cameroon are stored and managed through this process, then authorized users can connect via the DSN from a centralized location that is accessible to all system processes. By so doing, both criminal and civil records can be harmonised in such a way that applicants who want to retrieve their records will be issued same by the nearest competent authority without the applicants moving to either the place of birth or to the ministry of justice in Yaoundé to obtain information. Employers, educational establishments,

²⁷ It is a means of compressing a sound sequence into a very small file to enable digital storage and transmission.

police services could as well have access to these platforms that can be used to make serious decisions like recruitment, admissions or the issuance of certain licenses.

7.2. Confidentiality is guaranteed to a certain extent when data is Stored in an electronic format.

It is relatively cheap and easy to guarantee confidentiality when records are kept in the electronic format unlike when same information is kept on hard copy documents where an authorized individual can gain access and even steal and copy the contents of confidential records. This confidentiality could be guaranteed through digital rights management (DRM) which is a process where passwords or other security features are used to protect the unauthorized access into a computer system and leakage of information. This confidentiality is further ensured because computers work on operating systems that are composed of millions of codes.

The advantages of storing and managing records through the electronic medium outweigh the disadvantages involved when considering many other factors like having access to the records and securing them. Although some disadvantages may arise if the system is hacked or when there is negligence that can lead to the mismanagement of passwords, the authorized access into a computer system carries with it criminal liability.

Despite these advantages, there are several disadvantages that may arise in electronic records management. This may include: loss of data, sabotage, virus attacks, phishing, salami attacks etc. These problems may start by unauthorized access due to human error, negligence or by way of another complex technological process. This can be by secretly implanting a logic bomb, by spying and getting a password or pass key, by stealing access codes, hacking etc. Advanced digital rights management (DRM) systems and sophisticated technology can counteract this. This could be done by way of retina imaging, finger prints, using strong passwords, cryptography techniques, steganography etc. Despite these disadvantages, the electronic regime in the management of official records is better than the paper regime. This is because the disadvantages in using the electronic option are minimal and they can be overcome through diligent technological and proper security management processes.

7.3. The Disadvantages of keeping records on hard copies.

Records were originally kept and managed as hard copy documents during the registration process as captured in the introduction of this article. This was possible and effective because the data collected and stored was not as much as what obtains today. Several disadvantages can be seen today in Cameroon in keeping and managing records manually. Criminal records for example are produced in five copies and stored at different locations while civil records are produced in three copies but usually kept at the local civil status registration centres with one original copy given to the holder of the civil record. This makes the possibility to simultaneously destroy these records across registries. This is difficult to happen in a digital system where the records are hosted in different electronic platforms. Therefore, one can safely rule out the possibility of total destruction of civil and criminal records in Cameroon if they are electronically saved and managed through different platforms. The following disadvantages will be discussed;

7.3. It is difficult to quickly retrieve records Stored on hard copy documents.

To retrieve records stored on hard copies is a physical process that involves manual work to verify their contents. Besides, to know the location of a particular file is challenging if they are not properly stored either serially or alphabetically. It is common knowledge that in some registries, carelessness may lead to the disorganisation of records that have been filed on hard copies. An index card for example may be placed at the wrong position. This problem is further exacerbated by the fact that different people may be involved in handling the hard copy files containing important records. Secondly, Paper in itself constitutes health hazards especially when they are kept in a tropical region like Cameroon with high levels of moisture that may attract dust and facilitate the growth of bacteria on their surfaces. This makes it further difficult and burdensome for a registrar to consult records when need arise. Most at times, some registrars ask a fee to retrieve information from the records contained in files. Conversely, it is easy and faster to retrieve the same information stored in the electronic format through a DSN server by typing the correct search criteria.

7.4. It is costly to keep hard copy records

Keeping numerous records on hard copies occupy much space that may at times attract rental fees meanwhile the institution may lack funds to manage some other important services. It should be noted that over time, the volume of records stored only geometrically increase meanwhile space is constant. Space can only be created because it doesn't increase in nature. Valuable space to lodge the staff of an establishment could often be consumed by keeping hard copy records. On the other hand, records stored as soft copies occupy far less space in the memory of devices especially if they are stored in compressed formats in zipper folders or stored in Mp3 or Mp4 formats. It is possible to print out documents from a single computer that will fill a room of one hundred meters square, but yet a computer is a small device that can fit inside a small shelves Today, technological advancement has even led to the creation of smaller computers with fast processors and larger disc space. It is common nowadays to find twelve generation computers with a memory storage of two terabytes and super fast random access memories. These leads to proper management of space because the computers are smaller but with very large virtual space that can store millions of information.

7.5. The security of records kept on hard copies is not be guaranteed.

Records stored on hard copies or surfaces may be subjected to physical destruction without any trace of their existence. The advantage in Cameroon is that both civil and criminal records are established in serval copies and kept in different locations at the same time. But a well planned act can lead to the theft or physical destruction of the documents simultaneously in the different locations that they are kept. On the other hand, the advantage of preserving and storing documents in the electronic format is that they are not subjected to ware and tear. If they are kept in an online platform over a network it is even difficult to conceive the idea that they could be stolen. Although the risks that may arise in electronic records is that the entire system can be hacked, attacked by viruses or salami attacks or sabotaged. But if a cost benefit analysis is drawn, then it can be safely concluded that it is safer to store and manage official civil and criminal records in Cameroon through electronic platforms and networks. Criminal records can even be published online where every one may have knowledge of it.

8. Conclusion.

In this article, the official management of civil and criminal records in Cameroon have been examined in terms of how they are established and preserved. This has been done by examining their management through a paper based regime and via the electronic based approach. It has been demonstrated that the electronic based approach is better in our modern era of ICTs. This is because of the ever growing need to establish and keep records as the population grows. This does not imply that the old practice of keeping such records on hard papers should disappear but that after a certain period of keeping paper records, the hard copies could be discarded while keeping same on an electronic based platform. This approach will lead to sustainable space and time management. By managing records through an electronic based approach, more accurate and specific information on a particular case with minimal cost can be produced at very short notice. It is therefore strongly recommended in this article that civil and criminal records should be kept across broad electronic networks available to all the courts, police services and any other competent service where any applicant can apply and get relevant information that can be used in education, housing, travelling, accessing social services, the establishment of certificates of non-conviction and any other relevant interests. The article further recommends that a unique identification number should be attributed to Cameroonian citizens that will serve as an identification number through which the civil and criminal records could be managed virtually from any location in the country via electronic communication protocols. By using this approach civil documents could be issued from any civil status registration center and criminal records could be verified to issue documents like police clearance reports and certificates of non-conviction. This approach will lead to swiftness, less time consuming, effective and the general reduction in the total cost of managing civil and criminal records within the country. This very approach can be used to manage the records of other public and private sectors in Cameroon.

