

IMPROVING THE APPLICATION OF LEGISLATION ON ELECTRONIC DOCUMENT MANAGEMENT

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ABSTRACT

The article gives an assessment of the legislative base on the basis of which the document circulation in the transport system (including the railway) is provided. First of all, the authors focus on the documentary support for management processes, the regulatory and guiding information, which is fixed in legally significant documents and databases, and

is the prerogative of the office, the secretariat, the general department, the management of the affairs of companies, corporate structures, various branch organizations. The authors pay particular attention to the problems of combining paper and electronic document circulation, the possibility to increase the share of network and information technologies, and to stimulate this growth legislatively.

Keywords: transport, management system, document circulation, legislative base, electronic information technologies, electronic signature, information protection.

Background. Document support of management (DSM) is the most important service function in the management system. Efficiency, timeliness, accuracy and completeness of the provision of information largely determine the quality of management decisions. The information, fixed in legally significant documents, databases, is the subject of the activity of the service of DSM (department of affairs, office, general department, secretariat, etc.), which organizes information and documentary support of the administrative apparatus. Analysis of the document circulation of the organization allows to visually see the management procedures, their sequence and management system in general.

Electronic means of creating and processing information are universally used in management, without them today there is not a single acting structure. The introduction of the electronic document management system (hereinafter referred to as the EDMS) has transformed the processes of information exchange, control, business cooperation into more convenient and faster than standard procedures. However, electronic technologies and a virtual network brought with them new problems that legal regulation is called upon to resolve.

Objective. The objective of the authors is to consider the legislation on electronic document management.

Methods. The authors use general scientific methods, comparative analysis, evaluation approach, scientific description.

Results.

Everything is documented

To begin with, we will consider the specifics of the development of electronic document management using the example of JSC All-Russian Scientific Research Institute of Railway Transport. This is the largest multifunctional center of the railway industry in the field of research and development and design, which is capable of carrying out the entire spectrum of certification tests. JSC VNIIZhT is a subsidiary of JSC Russian Railways and it has its branches in the territory of the Russian Federation.

The main goal of the activity of any joint-stock company is profit. To receive profit, JSC VNIIZhT carries out its main scientific and scientific and technical activities, as well as other activities not prohibited by law, including:

- search and fundamental research;
- development of new technical means and technologies for railway and other modes of transport;
- development of new materials;
- development of automated control systems (ACS) and software;
- development of technical regulations, normative and methodological documents;

- commissioning and certification tests of railway equipment and transport technologies;
- examination of projects;
- development of prototypes;
- standardization and metrology;
- small-scale production;
- manufacturing prototypes of samples of new equipment;
- international projects;
- consulting services;
- training of scientific personnel.

In JSC VNIIZhT, the technology of mixed document circulation is applied, since in the introduced version of the corporate portal the authors did not complete the sections «Documentary orders», «Outgoing documents», «Minutes of meetings», without which it is impossible to switch from paper to electronic documents in the organization of office work. At the same time, the implementation of the EDMS was as follows:

1. Corporate mail was organized in the workplace. The best solution in this matter was the Microsoft Outlook program – the corporate version. In fact, it is a mail client with a lot of functions designed to effectively manage time and incoming information, as well as allowing to always stay in touch. A user-friendly interface provides quick access to the most used commands and tools, which can significantly improve the productivity of the enterprise.

2. An internal corporate portal Intranet was created. From a technical point of view, this is an internal corporate web portal that solves the problems of systematization, storage and processing of intracorporate information. An intranet site is available only within the local network of the company, including remote branches, or as a portal on the Internet network, which is invisible in search engines and requires authorization at the entrance (extranet). Access to the portal pages is provided by a web browser, which makes it possible to use the services of intranets to people with minimal computer training.

Updating of information is carried out by responsible employees with the help of special interfaces, work with which is almost identical to operations with standard office applications. The key word in describing intranet systems can be the word «single»: a single way of processing, storing, accessing information; single unified work environment; a single document format. This approach allows employees to use their accumulated corporate knowledge more efficiently, respond quickly to ongoing events, and to the enterprise as a whole provides new opportunities for organizing business processes.

3. For effective document circulation, the Single Corporate System (hereinafter – SCS) is developed on



the basis of Microsoft SharePoint – it is a platform that helps to create a corporate portal and organize collective work management within the company. SharePoint Portal is a tool that allows to centrally store and process corporate information, automate business processes of an enterprise, manage current projects and document management, simplify the process of information exchange between employees and organizational units, and between clients and business partners of the company. Microsoft SharePoint includes group workspaces, portals, notifications, e-mail, quick messages, web conferences – accessible to users through known and convenient MS Office applications and a web browser within the local network.

Law and order

A number of normative and legal acts adopted in 2009–2017 were sent to the introduction of modern automated document management technologies in state structures, including the creation of interdepartmental electronic document management (IEDM) systems and interdepartmental electronic interaction (SIEI). At the same time, RF Government Resolution No. 890 of September 6, 2012 [10] stipulates that the transition to electronic document management in state bodies should be completed in the current year 2017.

Now, undoubtedly, the most modern technologies used in the field of document management support are network information. This does not mean that we need to forget about paperwork, but to date, the transition from paper to electronic document management systems plays an exceptional role. Information system is a set of information contained in databases and providing it with processing of information technologies and technical means [4]. Database management system (DMS) with the help of software and language tools provides users with access to data, allows them to create, change and delete, provide them with security and storage. In a broad sense, it makes it possible to manipulate information, but within the framework of the law.

Many normative-legal and methodical documents touch upon the issues of working with documents. In each organization, there should be normative legal, methodological and reference information related to the document circulation for regulating the service of DSM. It is stored in the form of a specialized database for records management and archives.

For the organization of DSM service, the main norm in Federal Law No. 149-FZ of July 27, 2006 «On Information, Information Technologies and Information Protection» [4] is article 11 «Documenting of information», which defines uniformity in the production of records. This norm provides that in the federal executive bodies, information is documented in the manner established by the government of the Russian Federation. The rules of record keeping and document circulation established by other state bodies or local self-government bodies within their competence must comply with the general requirements for federal executive bodies [17]. In other words, instructions on record keeping and other normative and methodological documents regulating the setting up of office work in state organizations and local self-government bodies are obliged to meet the rules of office management in federal executive bodies approved by RF Government Resolution No. 477 of June 15, 2009 [11].

The mentioned law «On Information, Information Technologies and Information Protection» regulates the issues of working with documents in electronic form, equalizing the legal force of a paper and

electronic document. An electronic document, an electronic message signed by an electronic digital signature or other analogue of a handwritten signature shall be deemed to be equivalent to a document signed by a handwritten signature in cases unless otherwise established by federal laws. In the given law, in due course there were requirements to the state information systems containing the open information, to provide its accommodation in the Internet network. For example, if a company falls under Federal Law No. 8-FZ dated February 9, 2009 «On providing access to information on the activities of state bodies and local self-government bodies» [6], then the database used should provide direct publication on the network necessary content.

The same law provides for the possibility of exchanging legally significant electronic documents. In paragraph 3 of Art. 11 it is stated that «for the purpose of concluding civil contracts or other legal relations involving persons exchanging electronic messages, exchange of electronic messages, each of which is signed by an electronic signature or other analogue of the handwritten signature of the sender of such communication, in accordance with the procedure established by federal laws, other normative legal acts or agreements of the parties, is considered as an exchange of documents».

The law gives those terms that are most widely used in automated DSM technologies, namely: information, documented information, information technology, information system, information holder, access to information, information and telecommunications network, information confidentiality, e-mail, information system operator.

Protection zones

Large-scale creation and use of computer databases implies the provision of protection of documents and information from unauthorized access provided by law. This issue is considered in a number of federal laws. In accordance with their qualifications, restricted access information can be conditionally divided into several types: documents containing commercial secrets; restricted information; documents containing state secrets.

Federal Law dated July 21, 1993 No. 5485–1 «On State Secrets» [1] provides an exhaustive list of types of information constituting state secrets. Also, there is a definition of the notion of «classification of secrecy» – details that indicate the degree of secrecy of information contained in their medium, placed on the carrier and / or in the accompanying documentation for it.

More widely used is the Federal Law of the Russian Federation dated 30 November 1995 No. 1203 «On Commercial Secrets» [2]. It establishes a list of information that cannot be classified as a commercial secret, and everything else in commercial activity relates to the competence of specific individuals and organizations engaged in entrepreneurial activities. The basic law in its sphere gives definitions of trade secrets, information constituting commercial secret, commercial secret regime, owner of information constituting a trade secret, etc. Together with this law, one should bear in mind the decree of the President of the Russian Federation «On approval of the list of confidential information» dated 6 March 1997 No. 188 [8] containing direct clarifications of what relates to confidential information and is not subject to mention in open sources.

Quite a large-scale distribution of databases on personnel, citizens' registration at the state level caused the need for a law protecting personal data. The Federal

Law dated July 27, 2006 No. 152-FZ «On Personal Data» [5] covers the areas of responsibility of almost all enterprises and organizations, including human resources departments, personnel departments, personnel records. So, in accordance with Article 19 of this law, the operator, when processing personal data, must take the necessary organizational and technical measures to protect them from unauthorized or accidental access, destruction, modification, blocking, copying, distribution, and other actions that violate the established procedure. In the context of articles of the law, the term «operator» is regarded as any legal or natural person organizing and (or) carrying out the processing of personal data, as well as defining its purposes and content.

Electronics do not mind paper

There are various features in providing management through electronic document management, which should be presented in more detail:

1. Requirements for registration of documents. They relate to paper documents, defined by standards and unified forms. The problems of giving legal power to paper documents are mostly solved, as for electronic documents, the requirements for their design are tied to an electronic signature, therefore the requirements for their requisites, composition and design should be more stringent than for paper documents.

2. Time of document transportation. According to this criterion, electronic documents, of course, benefit, since the time of their transmission is reduced at times. For paper documents, everything depends on the choice of means of delivery and receipt.

3. Information and reference work. For paper documents, it is more complicated and more time consuming, especially if there is no document classification system. With electronic documents, operations are much easier. Using links, it is possible to get not only the requested document, but also those that are associated with it thematically or formally. There is no need to duplicate information and it becomes possible to get acquainted with the relevant information of officials depending on their competence.

4. The ability to select the desired fragment in the documents. This possibility is present when working with both electronic and paper documents. On paper notes left with pencil, pen, text separator, are saved most often, when working with electronic documents, fragments of text can be selected and, if necessary, removed, and in this case there are no traces on the document, which is more practical, especially when preparing a document.

5. Ability to copy a document. When making a copy of a document on paper, the means of reprography, photography, operational printing and microfilming are often used. When making an electronic copy, the scanning method is used, the time costs are reduced and copies can be placed on information portals or sent to interested employees by e-mail, and there is no need to create a large number of copies of documents.

6. Availability of special equipment for the perception of information. When reading paper documents, good lighting is enough. When working with electronic documents, a computer and telecommunication channels are required. Now the availability of personal laptops and mobile devices solve this part of the problem.

7. Preservation of information, its accessibility for perception. The safety of paper documents is determined by the long term storage of such material as paper. An important criterion is the quality of the means of printing information on paper. No special means are needed to transform it. The period of storage

of electronic media is less than the required period of storage of documents. To ensure the physical security of paper documents, there may be a usage fund in the archives, and a backup is performed for preservation of electronic databases.

8. Convenience of information perception. It is necessary to recognize that paper documents are more familiar and convenient for perception. Some electronic documents are very difficult to be perceived. As a result, information on paper is perceived faster than from a computer monitor. However, this aspect is individual for each user.

9. Fatigue when working with documents. With paper documents, it is easier to deal with in terms of sanitary standards. Working with paper carriers, you can change the pose, at the same time the senses are involved: sight, touch and smell. Fatigability when communicating with a computer is much higher. All load falls on vision and posture. Therefore, it is necessary to ensure optimal working time and interruptions. In this channel, monitors are created, which to some extent reduce fatigue.

10. Ability to work with multiple documents at the same time. Working with paper documents is more convenient, since there is a full document before your eyes, and consequently you can see all the nuances that have escaped the glance when you look through the same document in turn, but in electronic form. In electronic form, you can also combine the field of view with files and folders, that is, work with several documents at once, but in this case only a part of the information will be present on the monitor, because of which a consistent view of the document does not always arise.

11. Scope of application of documents. On paper carriers, documents are used almost everywhere, while electronic ones are used by those communication sections that have the appropriate technology.

12. Information security and information protection. For paper documents – this is primarily a restriction of access or physical inaccessibility of the document, fixing the fact of transfer of the document in the accounting forms. For electronic documents – regulation of access to the computer and databases, the use of cryptographic tools and methods of recording. It is also necessary to properly provide technical protection against viruses and computer attacks [14].

Conclusions

We believe that if we take into account such aspects as the updating of local documentation, the definition of the list of documents in paper form and in electronic form, the preparation of employees to work with electronic documents in EDMS, elimination of dubbing information, the development of electronic document management in the country will reach a new level.

When rewriting information from one carrier to another, it is possible to modify it without leaving any physical traces. But the data is again vulnerable in the process of transferring from one carrier to another. If the system fails or a normal power surge occurs, some or all of the information may be removed, or one of the carriers can easily burn out, which also does not remove obvious risks.

At the moment, the rules for drafting documents are regulated by «GOST R 6.30–2003. Unified documentation systems. Unified system of organizational and administrative documentation. Requirements for registration of documents» [12], and in the second half of 2017 it is replaced by a new «GOST R 7.0.97–2016 SIBID. Unified system of organizational and administrative documentation. Requirements for registration of



documents» [13]. In particular, it increases the electronic component of document circulation, provides requisites for both paper and electronic documents.

However, an acceptable legal framework for working with electronic documents is still not enough. As before, it is necessary to rely on Federal Law No. 63-FZ dated April 6, 2011 «On Electronic Signatures» [7], as well as a number of laws and codes that to some extent relate to issues related to electronic documents.

Obligatory tasks that any electronic document management system should solve and provide are operations with registration cards, execution control, input and output of documents, their search, and organization of secure work in a network mode. At present, in most organizations, the document flow is mostly in paper form, despite the fact that they try to replace, if not all, most of it with electronic document management. And the possibility of replacement is largely limited by legislation. And it is time to put big dots, because the proportions in favor of electronic technology, judging by everything, will not change soon.

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