



LEGAL NOTICE NO.....

**THE ACCESS TO INFORMATION (GENERAL) REGULATIONS,
2021**

ARRANGEMENT OF REGULATIONS

Regulations

PART I – PRELIMINARY

1. Citation and Commencement
2. Interpretation
3. Purpose of these Regulations

PART II – INFORMATION ACCESS OFFICERS

4. Designation of information access officer – Private Bodies
5. information access officer – Public Entities
6. Delegation by Information Access Officer
7. Duties of Information Access Officers

PART III – PROACTIVE DISCLOSURE

8. Meaning and Format of Proactive Disclosure
9. Proactive Disclosure Obligations of Public Entities
10. Proactive Disclosure Obligations of Private Bodies
11. Information Access Guide

PART IV – REACTIVE DISCLOSURE

12. Meaning and Format of Reactive Disclosure
13. Requests for Information
14. Requests on behalf of another person
15. Processing of Request
16. Provision of Access
17. Information that cannot be found
18. Transfer of request
19. Deferral of request
20. Fees
21. Withdrawal of request
22. Closure of request
23. Access to Information Register

**PART V – DISCLOSURE OF INFORMATION OBTAINED FROM A
THIRD PARTY**

24. Notice regarding information obtained from a third party
25. Consent of third party
26. Non-derogable nature of section 6 of the Act

PART VI – MANAGEMENT OF RECORDS

27. Public Records Management

PART VII – REVIEW BY THE COMMISSION

28. Application for Review by the Commission
29. Review Procedure for Access Requests
30. Review Procedure for Refusal to Correct, Update or Annotate a Record of Personal Information
31. Investigation of Complaints Relating to Section 16 of the Act

PART VIII – OVERSIGHT BY THE COMMISSION

32. Establishment of the Access to Information Shared Service Digital Platform

- 33. Duty to cooperate with the Commission in facilitating Access to Information
- 34. Advisory Services
- 35. Awareness and Capacity Building of Public and Private Actors
- 36. Compliance with Proactive Disclosure Requirements
- 37. Reporting

SCHEDULES

FOR PUBLIC ENGAGEMENT

THE ACCESS TO INFORMATION ACT, 2016
(No. 31 of 2016)

IN EXERCISE of the powers conferred by section 25 of the Access to Information Act, 2016, the Cabinet Secretary for Information, Communications, Technology, Innovation and Youth Affairs in consultation with the Commission on Administrative Justice makes the following Regulations –

THE ACCESS TO INFORMATION (GENERAL) REGULATIONS, 2021

PART I – PRELIMINARY	
Citation.	1. These Regulations may be cited as the Access to Information (General) Regulations, 2021.
Interpretation. <i>No. 31 of 2016.</i>	2. In these Regulations, unless the context otherwise requires – “Act” means the Access to Information Act, 2016; “applicant” means a requester who has made a request for review of a decision of a public body or private entity by the Commission under these Regulations; “Cabinet Secretary” has the meaning assigned to it under the Act; “chief executive officer” has the meaning assigned to it under the Act and for greater clarity means the County Chief Officer in the case of a county government department, and the Clerk of the National Assembly, County Assembly or Senate as the case may be; “child” means a person who is under the age of eighteen years;

<p>No. 8 of 1999.</p>	<p>“Commission” has the meaning assigned to it under section 2 of the Act;</p> <p>“disseminate” means to make known or communicate information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including making the information available for inspection at the offices of any public entity or private body;</p> <p>“environmental impact assessment” has the meaning assigned to it under section 2 of the Environmental Management and Co-ordination Act, 1999;</p> <p>“IEC materials” means information, education and communication materials;</p> <p>“incapacitated person” means any person who is impaired by reason of mental illness or physical illness or disability, chronic use of drugs or chronic intoxication to the extent of lacking sufficient understanding or capacity to make or communicate responsible decisions;</p> <p>“indigent” means a person who is living below the current International Poverty Line set by the World Bank;</p> <p>“information” has the meaning assigned to it under the Act;</p> <p>“information holder” means a public entity or a private body that is the owner or holder of information required or requested to be disclosed under the Act and these Regulations;</p> <p>“information access officer” has the meaning assigned to it under section 2 of the Act;</p>
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<p>No. 8 of 1999.</p>	<p>“natural resource agreement” has the meaning assigned to it under section 2 of the Environmental Management and Coordination Act, 1999;</p> <p>“personal information” has the meaning assigned to it under the Act;</p> <p>“private body” has the meaning assigned to it under the Act, and includes a public benefits organisation; cross reference the Act</p>
<p>No. 33 of 2015.</p>	<p>“procurement records” means the information required to be maintained and disclosed in accordance with section 68 of the Public Procurement and Disposal Act, 2015;</p> <p>“public entity” has the meaning assigned to it under the Act;</p>
<p>No. 15 of 2013.</p>	<p>“public private partnership” has the meaning assigned to it in section 2 of the Public Private Partnerships Act, 2013;</p> <p>“requester” means a person who has requested access to information from a public entity or private body under these Regulations;</p> <p>“records” has the meaning assigned to it under section 17 of the Act;</p> <p>“records management” means the efficient and systematic control of the creation, receipt, maintenance, use and disposal of records;</p> <p>“records management system” means an information system which captures, manages and provides access to records over time;</p>

	<p>“WCAG” means Web Content Accessibility Guidelines.</p>
<p>Objects and purpose of Regulations.</p>	<p>3. The objects and purpose of these Regulations is to—</p> <ul style="list-style-type: none"> (a) provide for the process for proactive disclosure of information by public entities and private bodies; (b) the procedure for requesting access to information pursuant to the Act; (c) record keeping by public entities and private bodies; (d) the procedure for reviewing a complaint of denial of access or refusal to correct a record; (e) oversight of compliance on the provisions of the Act; and (f) the procedure for reporting by public entities and private bodies.
	<p>PART II – INFORMATION ACCESS OFFICERS</p>
<p>Designation of information access officer by Private Bodies.</p>	<p>3. Within thirty working days of coming into force of these Regulations, every private body shall—</p> <ul style="list-style-type: none"> (a) designate the person having principal administrative responsibility for the private body as an information access officer for the purposes of the Act and these Regulations; and (b) publish on its website or otherwise make publicly available the name, designation and contact information of the Information Access Officer.
<p>Information access officer by Public Entities.</p>	<p>4. Within thirty working days of coming into force of these Regulations, every public entity shall publish on its website or otherwise make publicly available the name, designation and</p>

	<p>contact information of the information access officer designated pursuant to section 7 of the Act.</p>
<p>Delegation by information access officer.</p>	<p>5. (1) Without limiting section 7 (2) of the Act, where a public entity or private body has departments, regional offices or semi-autonomous units, the information access officer may delegate the performance of information access officer duties to an officer in those departments, offices or units.</p> <p>(2) A delegation under paragraph (1) shall be made in writing to an officer with the requisite authority to access, and provide access to, information in accordance with the Act and these Regulations.</p> <p>(3) Despite any delegation, the overall responsibility for implementation of the Act and these Regulations vests in the chief executive officer of a public entity and the person having principal administrative responsibility for a private body.</p>
<p>Duties of information access officers.</p>	<p>6.(1) For the purpose of these Regulations, the duties of an information access officer shall include to —</p> <p>(a) ensure information is proactively disclosed in accordance with Part III of these Regulations;</p> <p>(b) receive and act on requests for access to information, including —</p> <p>(i) reducing oral requests in to writing;</p> <p>(ii) reviewing all requests to identify the information requested and seeking clarification from the requester, if necessary;</p> <p>(c) determine —</p>

	<ul style="list-style-type: none">(i) whether the requested information is already publicly available;(ii) whether the request may be transferred in accordance with these Regulations;(iii) whether the request may be deferred in accordance with these Regulations; or(iv) whether and to what extent the request shall be granted, and informing the requester of the same; <p>(d) review the information requested to identify if it is subject to any of the limitations set out in section 6 of the Act, and redacting or withholding information that may be limited in accordance with that section;</p> <p>(e) ensure that consent is obtained from any person or third party as required under these Regulations;</p> <p>(f) determine any charges to provide print copy, if requested, in accordance with these Regulations;</p> <p>(g) ensuring that timelines for addressing requests are adhered to;</p> <p>(h) informing the requester of the contact details for the Commission and the timeline within which a request for review may be submitted;</p> <p>(i) creating and maintaining an internal access to information register to record all requests for information received by the respective public entity or private body, and the disposition, and ensure that the same record is entered into the shared services digital platform established by the Commission in accordance with Regulation 32;</p> <p>(j) ensuring that any personal information held by the public entity or private body is accurate and up to date and, within fourteen days' of receiving a written request in accordance with section 13 of the Act, cause any stated</p>
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	<p>inaccuracy to be investigated and, if verified, corrected, updated or annotated in accordance with the remedy sought by the requester;</p> <p>(k) developing and implementing appropriate policies and procedures as may be necessary for implementation of the Act and these Regulations by their respective public entity or private body, including in respect of responsibility for technical compliance with Parts III, IV and V of these Regulations, and take all reasonable steps to sensitize actors responsible for implementation within the public entity or private body on the same;</p> <p>(l) compile and submit reports to the Commission as required by section 27 of the Act and regulation 37; and</p> <p>(m) perform any other thing that may be necessary to facilitate access to information in accordance with the provisions of the Act.</p> <p>(2) Despite paragraph (1) (c) (iii) and (iv), and subject to the specified timelines, an information access officer may obtain a legal or expert opinion on whether access ought to be granted in accordance with the Act and these Regulations, taking into consideration privacy interests and other rights and obligations set out in law and, without disclosing any information protected by privilege, shall inform the requester of the outcome of any such legal or expert opinion at the same time as access is provided in accordance with section 11 of the Act and these Regulations.</p>
	<p>PART III – PROACTIVE DISCLOSURE</p>
<p>Scope of proactive disclosure.</p>	<p>7. (1) For the purposes of this Part—</p> <p>“proactive disclosure” means routine and systematic dissemination of information, in the absence of a request for it.</p>

	<p>(2) Electronic records shall be proactively disclosed in a machine readable format and plain language format that is understandable to a lay person, including by translation into common local languages or dialects as may be relevant in the regional context.</p> <p>(3) Despite paragraph (2), electronic records shall be disclosed in the most current WCAG standard compliant format that is accessible to persons with disability, including by –</p> <ul style="list-style-type: none"> (a) providing text alternatives for non-text content; (b) providing captions and other alternatives for multimedia content, for example by adding Kenyan Sign Language interpretation as an overlay to video; and (c) presenting content in ways that are or may be rendered easier to see or hear, including by being magnified.
<p>Proactive disclosure obligations of public entities.</p>	<p>8. (1) An information access officer of a public entity shall ensure that information required under section 5 (1) (a) (b) (c) (d) and (e) of the Act is published on the entity’s website, and a link to that information is displayed on every page of the website, within thirty working days of such information being generated, received, revised or updated.</p> <p>(2) For the avoidance of doubt, and without limiting the provisions of section 5 (1) (b) of the Act, information that is proactively disclosed under paragraph (1) shall be reviewed and updated as necessary so that it is current and accurate.</p> <p>(3) Without prejudice to the generality of paragraph (2), the disclosure under paragraph (1) shall include —</p>

	<ul style="list-style-type: none">(a) a description of services offered to the public entity, including any forms required to be filled and timelines for submission;(b) information on the physical location of the office of the public entity's which the public is permitted to access and the particulars of facilities available to the public for obtaining information, including the working hours of a library or resource centre if maintained for public use;(c) a directory of the public entity's officers and employees;(d) the public entity's strategic plans, annual reports, and performance contracts;(e) all financial and other reports required by the Public Finance Management Act, 2012;(f) a comprehensive list of all pre-qualified suppliers, contractors and consultants in the various specific categories of goods, works or services pre-qualified by the public entity according to its procurement needs, including the following particulars –<ul style="list-style-type: none">(i) business name and registration details;(ii) business contact information (telephone, email and postal address);(iii) full name(s) of the proprietor, partners, directors, shareholders and beneficial owner(s), as applicable to the type of business;
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	<ul style="list-style-type: none">(iv) business PIN number and tax compliance status;(v) business permit or licence number(s) as may be required by law; and(vi) the county of operation; <p>(g) procurement records, and complete information of all tenders awarded, including but not limited to –</p> <ul style="list-style-type: none">(i) full particulars of the awarded supplier, contractor or consultant, including the information required in (g)(i) to (vi);(ii) specification of goods and services, scope and schedule of works and contract value;(iii) technical and financial capacity of the awarded supplier, contractor or consultant, and summary of reasons for the award;(iv) award date and contract period;(v) current market price of the specified goods, works or service, as well as price guidelines as published by the Public Procurement Regulatory Authority with regard to that specific item, where applicable;(vi) variations in regard to specifications of goods and services, scope of work and contract price during the pendency of the contract (where applicable); and(vii) the name(s) of the person(s) or membership of the committee(s) responsible for inspecting, evaluating and making final decisions with respect to each award;
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- (i) information regarding Public Private Partnerships as required by section 60 of the Public Private Partnerships Act, 2013;
- (j) information on the grant of licences, permits and other formal authorisations which have been issued by any public entity;
- (k) any registers which the public entity is required by law to create or maintain;
- (l) any other report or information required to be made public in accordance with the applicable existing law;
- (m) the name, designation and contact information of the information access officer and any other officer to whom the duties of the information access officer have been delegated in accordance with section 7(2) of the Act; and
- (n) information on the procedure for requesting for access to information, including any charges for translating and supplying copies of materials.

(4) If a record of information required to be disclosed in accordance with this Part is known to exist or to have existed but cannot be found, the fact that such record exists or existed but cannot be found shall be disclosed, and if the record is subsequently found, it shall be disclosed not later than two working days from the date of such discovery.

	<p>(5) Information that has not been proactively disclosed in accordance with this regulation but to which access has been granted upon request three times shall thereafter be proactively disclosed.</p> <p>(6) Every public entity shall make all information disclosed under this Part available for inspection without charge, or supply a copy to any person upon request for free or at a reasonable cost for copying and supplying the material in accordance with regulation 20.</p>
<p>Proactive disclosure obligations of private bodies.</p>	<p>9.(1) Every private body shall publish on its website and disseminate information held by it that is relevant to the exercise or protection of any right or fundamental freedom, with specific reference to Article 10 and Chapters Four and Five of the Constitution.</p> <p>(2) Without prejudice to the generality of paragraph (1), the information to be disclosed shall include –</p> <ul style="list-style-type: none"> (a) particulars of its private body, and the public functions that it engages in or public services that it provides; (b) information on the physical location of the private body including the offices which may be accessed by the public and the manner in which the public may obtain information; (c) the powers and duties of its officers and employees; (d) guidelines used by the private body in its dealings with the public or with public institutions, including the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for engaging in public functions or providing public services;

	<ul style="list-style-type: none">(e) the procedure followed in decision making, including channels of supervision and accountability;(f) particulars of public resources and benefits received and public funds utilized, including the following information in respect of any contract or agreement entered into in respect of public resources, benefits or funds –<ul style="list-style-type: none">(i) details of the contracted service, including any sketches, scopes of service and terms of reference;(ii) the contract sum;(iii) the name of the contracting public entity, and contact information of the person responsible for the contract on behalf of the public entity; and(iv) the timeline of the contract(g) particulars of any contracts, natural resource agreements or other projects to explore, investigate, develop, extract or otherwise exploit in any way, natural resources, including the following information –<ul style="list-style-type: none">(i) details of the contracted service, agreement or project, including any sketches, scopes of service and terms of reference;(ii) the contract sum;(iii) the timeline of the contract; and(iv) all relevant environmental impact assessment.(h) particulars of any licences, permits and other formal authorisations which have been granted to the private body;
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- (i) all other information relating to the protection of human rights, the environment or public health and safety or to exposure of corruption or illegal actions;
- (j) any other information that may assist in exercising or protecting any right;
- (k) any report or other information required to be made public in accordance with statute or regulation, including but not limited to annual financial statements and any other statement or report required to be published or otherwise made available pursuant to the Companies Act;
- (l) an information access guide to facilitate identification of the classes, location and subjects of information held by the private body and relating to the information required to be disclosed in accordance with this regulation; and
- (m) information on the procedure for requesting for access to information, including any charges that may be incurred for translation and supplying copies of materials.

(3) A private body that engages in policy formulation or decision-making in regard to public functions or services shall ensure public participation through publication of relevant facts on its website and dissemination of relevant information to persons likely to be affected.

(4) The information access officer of a private body shall ensure that information required to be proactively disclosed under this Part is published on the private body's website within thirty calendar days of such information being generated, received, revised or updated.

	<p>(5) If a record of information required to be disclosed in accordance with this Part is known to exist or to have existed but cannot be found, the fact that such record exists or existed but cannot be found shall be disclosed, and if the record is subsequently found, it shall thereafter be included in the disclosure.</p> <p>(6) Information that has not been proactively disclosed in accordance with this Part but to which access has been granted upon request three times shall thereafter be proactively disclosed.</p> <p>(7) Every private body shall make all information disclosed under this Part available for inspection without charge, or supply a copy to any person upon request for free or at a reasonable cost for copying and supplying the material in accordance with regulation 20.</p>
<p>Information access guide.</p>	<p>10. (1) The information access officer of a public entity shall ensure that the information access guide required by section 5(1)(a)(vii) of the Act is regularly reviewed, updated and made accessible:</p> <p>Provided that such review shall be on a quarterly basis, in accordance with section 5(3) of the Act and regulation 9.</p> <p>(2) The information access officer of a private body shall ensure that the information access guide required by regulation 10(2)(1) of these Regulations is regularly reviewed, updated and made accessible:</p> <p>Provided that such review shall be on a quarterly basis, in accordance with section 5(3) of the Act and regulation 9.</p>

	<p>(3) Without prejudice to the generality of paragraphs (1) and (2), the information access guide shall be in electronic form and available on the information holder’s website.</p>
	<p>PART IV – REACTIVE DISCLOSURE</p>
<p>Scope of reactive disclosure.</p>	<p>11. (1) For the purposes of this Part—</p> <p>“reactive disclosure” means making information available in response to a request for it.</p> <p>(2) To the greatest extent possible without altering the original version, records shall be reactively disclosed in a user-friendly, machine readable and plain language format that is understandable to a lay person, including by providing a descriptive explanation of technical information.</p> <p>(3) English records shall be translated to Kiswahili, and vice versa, at no cost to a requester.</p> <p>(4) Records shall be translated into another language upon request and payment of a reasonable fee in accordance with regulation 20.</p> <p>(5) Electronic records shall be disclosed in the most current WCAG standard compliant format that is accessible to persons with disability as reasonably required by and at no cost to the requester, including by –</p> <ul style="list-style-type: none"> (i) providing text alternatives for non-text content; (ii) providing captions and other alternatives for multimedia content, for example by adding Kenyan Sign Language interpretation as an overlay to video; and

	<p>(iii) presenting content in ways that are or may be rendered easier to see or hear, including by being magnified;</p> <p>(6) Print copy records shall be disclosed in Braille or such other format that is accessible to persons with visual disability, as may be reasonably required by and at no cost to the requester.</p> <p>(7) Audio records shall be transcribed for persons with hearing disability, as reasonably required by and at no cost to the requester.</p> <p>(8) An information holder may consult with or request support from the National Council for Persons with Disabilities to ensure accommodation of requests relating to accessibility.</p> <p>(8) Where a requester who is not a person with disability or acting on behalf of a person with disability has requested access to information in a particular format, access shall be given in the requested format upon payment of a reasonable charge for supplying the material in that format in accordance with regulation 20, unless conversion of the information to the requested format –</p> <ul style="list-style-type: none">(a) substantially interferes with the operations of the information holder;(b) is detrimental to the preservation of the information;or(c) is not appropriate with regard to the physical nature of the information or available technology. <p>(9) A requester may amend their preferred format of access upon notification of the reproduction, translation or transcription fees payable if access is granted in the format initially requested.</p>
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<p>Requests for information.</p>	<p>12. (1) A person, group or organization who wishes to access information held by a public entity or private body shall make a request in writing or orally to the information access officer as specified under section 8 of the Act.</p> <p>(2) A request for access to information may be made in Form 1 set out in First Schedule or in any other manner, including through an information holder's official social media account, provided the request contains the information required by Form 1.</p> <p>(3) Where a request does not contain the information required by Form 1, the information access officer shall, as far as practicable, assist the requester to provide further details to facilitate access.</p> <p>(4) In assisting as contemplated under paragraph (3), an information holder shall facilitate the making of requests for information required by Form 1 to be submitted electronically through the public entity or private body's website, email address or official social media account.</p>
<p>Requests on behalf of another person.</p>	<p>13. (1) A request may be made on behalf of another person or persons, provided that if the information requested contains personal information concerning another person that is not in a public record or otherwise publicly available, the person to whom the information relates provides written consent to such information being disclosed.</p> <p>(2) Despite paragraph (1), a parent or guardian of a child may, without obtaining the consent of the child, request and be granted access to personal information relating to that child, but access shall not be granted if the information access officer determines –</p>

	<p>(a) that the information is of such a nature as would not ordinarily be made available to a person having parental responsibility for that child; or</p> <p>(b) after consultation with the Director of Children’s Services, that the granting of access to such information may not be in the best interests of the child.</p> <p>(3) Despite (1), a person may request and be granted access to personal information relating to an incapacitated person without the consent of that person, upon production of a power of attorney or other verified grant of representative authority in relation to the incapacitated person.</p>
<p>Processing of request.</p>	<p>14. In processing a request for information, an information access officer shall –</p> <p>(a) ensure that a request for information is time stamped with the date the request is received by the public entity or private body;</p> <p>(b) take all steps that are reasonably necessary to preserve the records that are the subject of or reasonably related to a request, without deleting, redacting or otherwise altering any information contained therein;</p> <p>(c) ensure that personal information of any person who is not a public officer is only disclosed with written consent of, that person;</p> <p>(d) ensure that personal information of a public officer is only disclosed to the extent that such</p>

	<p>disclosure is required by law, unless the personal information is being disclosed to, or with the written consent of, the public officer;</p> <p>(e) record all actions taken in regard to the processing of a request for information, including the date each action was taken, and maintain such record in the information access register;</p> <p>(f) ensure that every request is processed and a decision communicated within the specified timelines and in accordance with the requirements specified in section 9 of the Act; and</p> <p>(g) communication of a decision on a request for information in accordance with section 9 (4) of the Act may be made in Form 2 set out in First Schedule, and in any event the information set out in that Form shall be communicated to the requester, including how to request a review by the Commission.</p>
Provision of access.	<p>15. (1) A public entity or private body shall give notice that access will be provided and the steps required to access the information, as specified in section 11 of the Act, may be made in Form 2 set out in the Schedule, and in any event the information set out in that Form shall be communicated to the requester, including how to request a review by the Commission.</p> <p>(2) Despite section 11(2) of the Act, an information access officer shall provide access to information concerning the life or</p>

liberty of a person in compliance with section 9(2) of the Act irrespective of whether any prescribed fee has been paid.

(3) Where a request for information is to be made available in another format in accordance with section 11 (3) of the Act and regulation 12 is received, the information holder shall provide the translated, transcribed or converted record within sixty days of receiving payment, or notice of preferred format in the case of a request by or on behalf of a person with disability, unless the format or volume of the information requested reasonably renders compliance with the timeline impracticable.

(4) In regard to section 11(1)(b) of the Act, where an information access officer determines that a requested record contains both information that is exempt from disclosure in accordance with section 6 of the Act and information that is not exempt, the entire record shall be disclosed with only the exempt information redacted:

Provided that, information that is not exempt from disclosure shall not be provided in extract form.

(5) In providing reasons for a determination that the information sought is exempt as required by section 9(4)(c) of the Act, the information access officer shall at a minimum refer to the specific basis for exemption as set out in section 6 of the Act.

(6) In providing access to information in accordance with section 11(3) of the Act, the information access officer shall authenticate copies of a record by means of an official stamp of a public entity or a declaration that any copy, reproduction, translation or transcription of the information is true and accurate.

	<p>(7) In providing access to information by producing a record for inspection in accordance with section 11 of the Act, an information access officer shall ensure that the requester has sufficient time, space and privacy to inspect the record, including by allowing the requester to inspect the record on more than one occasion if reasonably required to facilitate full realization of the right to access the information.</p> <p>(8) An information access officer may, in the officer's sole discretion and for the purpose of facilitating access to information under the Act, allow a requester to receive an original record for the purpose of making such copy, reproduction, translation or transcription that the requester may desire, for such period of time as is reasonable for doing so, upon the written undertaking of the requester to return the record within that time and in the exact condition as it was received by the requester.</p> <p>(9) Where the information requested contains third party information, a requester may not be granted access until Part IV of these Regulations has been complied with.</p>
Information that cannot be found.	<p>16. (1) If a requested record is known to exist or to have existed but cannot be found within the timelines for disclosure under the Act, the search for that record shall continue and the information access officer shall communicate the fact that such record exists or existed but cannot be found within the specified timelines:</p> <p>Provided that if the record is subsequently found, the information shall be disclosed to the requester within seven days from the date the information is found.</p> <p>(2) The information holder shall at the same time notify the Commission in respect of any record that is known to exist but cannot be found, and shall further notify the Commission if the</p>

	<p>record is subsequently found and disclosed as provided under paragraph (1).</p>
Transfer of request.	<p>17. (1) Before transferring a request for information to another information holder within five days as provided under section 10 (1) of the Act, the information access officer shall confirm with the other public entity or private body that they do in fact hold the information requested.</p> <p>(2) Where a request for information is transferred, the information access officer shall notify the requester in Form 2 set out in First Schedule.</p> <p>(3) The information access officer of the public entity or private body to which the request has been transferred shall—</p> <p>(a) acknowledge the transfer in Form 3 set out in First Schedule; and</p> <p>(b) act on the request in accordance with this Part.</p> <p>(4) For greater clarity, the timeline of twenty-one days for making a decision on the request shall not be extended between receipt of the request by the first public entity or private body, and transfer of the request to another public entity or private body.</p> <p>(5) Where the transfer relates to a request for information under section 9 (2) of the Act, such information shall be provided by the public entity or private body to which the request has been transferred within forty-eight hours of receiving the transfer.</p>
Deferral of request.	<p>18. (1) If an information access officer identifies that a requested record is in the process of being actively developed, is in draft form and under active consideration, or is final but subject to official approval or publication, and may accordingly be excluded from disclosure pursuant to section 6(1)(g) of the Act,</p>

	<p>the information access officer may defer providing access to the record until it no longer meets the criteria for exemption under that section, and shall inform the requester of the expected date upon which access may be granted by notice in Form 2 set out in the Schedule.</p> <p>(2) Access to a record that has been deferred in accordance with paragraph (1) shall be granted within five days on the exemption under section 6(1) (g) of the Act is no longer applicable.</p>
<p>Fees.</p>	<p>19. (1) No fee shall be charged –</p> <ul style="list-style-type: none"> (a) in relation to time spent searching for the information requested; (b) in relation to time spent determining whether a record contains exempt information or redacting exempt information from a record; (c) where an extension of time has been made in accordance with section 9(3) of the Act or regulation 19, in relation to that extended period of time; (d) for inspection of a record at the premises of the public entity or private body; (e) for provision of access to a record contained in digital form to an email address or by other means of electronic transmission; (f) for obtaining a legal or expert opinion; or

(g) for withdrawal of a request in accordance with regulation 21.

(2) An information access officer has discretion to waive or reduce any fee for provision of access and, without limiting the generality of the foregoing, shall consider waiving all or part of a fee in regard to a request made by or on behalf of –

(a) a non-governmental organization or other entity not operated for profit or commercial purposes;

(b) persons or organizations representing or advocating on behalf of marginalized or vulnerable groups;

(c) a person who is incarcerated or otherwise being held in custody, including a patient in a mental institution; or

(d) an indigent person.

(3) Fees that may be charged in accordance with section 12(2) of the Act shall not exceed –

(a) five shillings per page for a photocopy in black and white;

(b) ten Shillings per page for printing in black and white, and twenty Kenyan Shillings per page for printing in colour;

(c) one thousand Shillings for a USB flash drive or other electronic data storage device;

	<p>(d) two thousand five hundred shillings per page for translation into a language other than English or Kiswahili;</p> <p>(e) twenty shillings per word for transcription;</p> <p>(f) five hundred shillings for delivery to any location in the country, unless the weight of the package exceeds ten kilograms, in which case delivery charges shall not exceed one thousand shillings.</p> <p>(4) Despite paragraph (3), an information access officer may determine a reasonable fee to be charged in accordance with the prevailing market rate for copies or prints of non-standard size documents such as surveys or plans.</p> <p>(5) A receipt shall be provided for the actual cost of making copies, transcriptions and translations, and delivering them to the requester.</p>
Withdrawal of request.	<p>20.(1) A request for access to information may be withdrawn by the requester in Form 11 set out in the Schedule at any time before –</p> <p>(a) access to the records has been provided by electronic transmission;</p> <p>(b) access to the records has been provided by inspection in person; or</p> <p>(c) payment has been made for access in another format.</p> <p>(2) Despite paragraph (1), a request for access in a format that requires conversion, translation or transcription at no cost to the requester in accordance with regulation 12, shall be withdrawn in Form 11 set out in the Schedule within two days of receiving</p>

	<p>notice in Form 2 set out in the Schedule that access to the information shall be provided in the preferred format.</p> <p>(3) The information access officer shall acknowledge the withdrawal in Form 12 set out in the Schedule.</p>
Closure of requests.	<p>21. (1) A request for access to information shall be closed –</p> <ul style="list-style-type: none">(a) if the request is withdrawn by the requester;(b) if the request has been transferred to another public entity or private body;(c) if thirty days has elapsed since the information access officer requested further particulars or consent in order to process the request, and no further information or consent has been provided;(d) if thirty days has elapsed since notice was given in accordance with section 9(4) of the Act, and no request for review has been filed with the Commission;(e) if thirty days has elapsed since notice was given in accordance with section 11(1) of the Act, and no fees have been paid or request for review filed with the Commission; or(f) if thirty days has elapsed since access was provided in accordance with the Act and these Regulations, and no request for review has been filed with the Commission. <p>(2) The information access officer shall notify the requester of a decision to close a request –</p> <ul style="list-style-type: none">(a) in Form 12 set out in the Schedule, if the request is withdrawn by the requester;

	<p>(b) in Form 2 set out in the Schedule, if the request has been transferred to another public entity or private body; and</p> <p>(c) in Form 13 set out in the Schedule in all other cases.</p>
Access to information register.	<p>22. (1) Every information access officer shall establish and maintain an Access to Information Register to record all steps taken to address requests for information received by the public entity or private body.</p> <p>(2) The Access to Information Register shall include, in relation to every request for access –</p> <ul style="list-style-type: none">(a) a unique reference number;(b) the name and contact details of the requester;(c) the date of original receipt of the request;(d) details of the request including a description of the information requested and the requester’s preferred method of access;(e) whether the request is for information concerning the life or liberty of a person;(f) the written consent of any person or third party as required under these Regulations;(g) a summary of actions taken in response to the request, including –<ul style="list-style-type: none">(i) dates and details of any communications between the requester and the information access officer or other person acting on the request to clarify what information is being sought;(ii) dates and details of any consultation with a third party regarding disclosure of information obtained from that third party;

	<ul style="list-style-type: none">(iii) the date that a decision was communicated to the requester in accordance with section 9(4) of the Act;(iv) confirmation that the records were reviewed to identify any information that is exempt in accordance with section 6 of the Act;(v) whether a legal or expert opinion was sought on whether access ought to be granted in accordance with the Act and these Regulations;(vi) whether consent was obtained from any third party as required by this Regulation;(vii) the date that a decision was communicated to the requester in accordance with section 11(1) of the Act;(viii) the date of any transfer of the request and contact details of the information access officer to whom the request was transferred;(ix) the date that the information was accessed by or delivered to the requester and the method of access utilised;(h) a summary of the information provided, including indication of where information was redacted sufficient to identify that information in the original record, if applicable;(i) where the request was declined, the reasons for making that decision, including the basis for deciding that the information sought is exempt;(j) where a request is withdrawn, the date of withdrawal;(k) the fees charged, the method of payment made, and a copy of the receipt provided in accordance with regulation 20, if applicable;(l) whether a request was made for review by the Commission and the outcome of that review; and
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	<p>(m) the date of closure.</p> <p>(3) The Access to Information Register shall be in digital form.</p> <p>(4) The information access officer may utilize the access to information digital platform established by the Commission in accordance with regulation 32 for the purpose of this regulation, or may maintain a separate internal Access to Information Register for the respective public entity or private body, but in any event the information access officer shall ensure that all requests for information received by the public entity or private body, and actions taken in relation to each request, are recorded in the digital platform established by the Commission.</p>
	<p style="text-align: center;">PART V – DISCLOSURE OF INFORMATION OBTAINED FROM A THIRD PARTY</p>
<p>Notice regarding information obtained from a third party.</p>	<p>23. (1) Where any record contains information obtained by the information holder from a third party, the information access officer shall give notice to the third party in Form 5 set out in the Schedule before giving access to –</p> <ul style="list-style-type: none"> (a) information relating to the commercial interests, including intellectual property rights, of the third party; (b) information relating to the family or private affairs of the third party; (c) communications of a personal nature between the third party and any other person; or (d) any other personal information relating to a third party who is not otherwise required by law to disclose such information.

<p>Consent of third party</p>	<p>24. (1) The information access officer shall obtain the consent of the third party in Form 6 set out in the Schedule before disclosing any information in regulation 24, unless the public interest in disclosure of such information outweighs the privacy interests of the third party or any other individual to whom information contained in the record relates.</p> <p>(2) For greater clarity –</p> <p>(a) if any record obtained from a third party contains personal information relating to a child, disclosure of such information shall not be made unless it is in the best interests of that child; and</p> <p>(b) the public interest in disclosure of communications of a personal nature may outweigh the privacy interests of an individual if the communication itself or its contents are criminal or otherwise prohibited by law.</p> <p>(3) The consultation required by this Part does not extend the timelines for making and communicating a decision under the Act and these Regulations.</p>
<p>Non-derogable nature of section 6 of the Act.</p>	<p>25. This Part does not affect an information access officer's obligation to identify and withhold access to information that is subject to any of the limitations set out under section 6 of the Act.</p>
<p>PART VI – MANAGEMENT OF RECORDS</p>	
<p>Public records management.</p>	<p>26. (1) Public entities shall create, keep, organise, maintain and manage records that are accurate, authentic, have integrity and are useable in a manner that facilitates access to information.</p>

(2) For greater clarity, records are reliable, authentic, have integrity and are usable when –

- (a) their origin can be traced;
- (b) it can be confirmed that the information they contain is full and accurate;
- (c) their content, structure and format are preserved materially unchanged over time; and
- (d) they can be located, retrieved, presented and interpreted.

(3) To facilitate access to information, information access officers shall ensure that their respective public entity is compliant with the current Government ICT Standards on Electronic Records and Data Management issued by the ICT Authority, or other public entity with such authority at the relevant time.

(4) Without limiting section 17(3)(a) of the Act, and subject to the Government ICT Standards on Electronic Records and Data Management relating to creation, retention and disposal of public records, every public entity shall maintain the records required to be proactively disclosed in accordance with the Act and these Regulations for a minimum period of ten years.

(5) Subject to the Government ICT Standards on Electronic Records and Data Management, every public entity shall, in consultation with the Director of the Kenya National Archives and Documentation Service, prepare a records schedule that sets out, for each class of public records that they create or receive, the length of time the records will be retained and the manner of disposal of the records at the end of their retention period.

	<p>(6) Despite paragraph (2), personal information shall be retained only as long as necessary to fulfil the purposes for which it is collected or received. Personal information that is no longer required to fulfil these purposes shall be destroyed, erased, or made anonymous.</p>
	<p align="center">PART VII —REVIEW BY THE COMMISSION</p>
<p>Application for Review by the Commission</p>	<p>27.(1) Within thirty days of receiving notice in accordance with section 9(4) of the Act, if the request for information is denied, or in accordance with section 11(1) of the Act, if the request for information is granted, a requester or any other person who is aggrieved by a denial, a partial grant of access, the amount of a fee, the form of access proposed to be provided, or any other decision set out in section 14 of the Act, may apply to the Commission for review in Form 10 set out in First Schedule , or in any other form, provided the application contains the information required by Form 10 set out in the Schedule.</p> <p>(2) Where an application does not contain the information required by Form 10 set out in the Schedule, the Commission shall, as far as practicable, assist the applicant to provide further details to facilitate review.</p> <p>(3) Every application for review shall include an email address or a telephone number to which written communications regarding the application may be sent.</p> <p>(4) The Commission shall provide for review applications to be submitted electronically, through a website, email address or the Commission’s official social media account, or in print copy by delivery to the Commission’s offices.</p>

	<p>(5) The Commission may, in its sole discretion, accept an application for review after expiry of the thirty days', if it is satisfied that the circumstances so warrant.</p> <p>(6) The Commission shall acknowledge receipt in writing within two days of receiving an application for review.</p>
Review procedure for access requests.	<p>28. (1) Within three days of receiving an application for review, the Commission shall give notice to the relevant public entity or private body in writing, stating the reference number of the request for information and the nature of the complaint, and requesting the public entity or private body to provide a copy of the Access to Information Register entries relating to that request and any further information that is relevant to the information holder's decision on the request.</p> <p>(2) The relevant public entity or private body shall provide a copy of the Access to Information Register entries relating to the request within five days of receiving notice from the Commission.</p> <p>(3) The Commission shall, within fourteen days of receiving the public entity or private body's submission, or within seven days' of the notice in paragraph (1) if no submission is received by the public entity or private body, undertake a preliminary assessment of the merits of the complaint based on the details provided in the application and the entries in the Access to Information Register.</p> <p>(4) If the Commission is of the opinion that further information, clarification or submissions is required from the applicant, the information holder, or any third party including another public entity or private body or any person to whom the information relates, the Commission may require such person, entity or body to make submissions or provide clarification on any</p>

aspect of the request or actions taken in response, within such reasonable time as may be determined by the Commission in the circumstances.

(5) Despite paragraph (4), the Commission shall not require the applicant to provide reasons for making the request.

(6) Despite paragraph (4), the Commission may require any public entity or private body to provide to the Commission an unredacted or unedited copy of the requested record.

(7) If, after reviewing the complaint, Access to Information Register entries and any further documents or submissions, the Commission is of the opinion that the complaint is without merit, the Commission shall provide reasons in writing to the applicant and the public entity or private body, and any third party if applicable.

(8) Where the Commission is of the opinion that the applicant's right to access the information requested has been unreasonably limited or denied, the Commission shall order the public entity or private body to do anything that, in the Commission's opinion, is required to rectify the matter, including

-
- (a) granting access to the information requested in full;
- (b) granting partial (redacted) access to the information requested;
- (c) requiring the public entity or private body to refund or reduce a fee;
- (d) granting access to any other person, group or organization; and

	<p>(e) granting access to the information in a particular format.</p> <p>(9) The Commission shall specify a period of time within which the order must be complied with, which in any event shall be no longer than sixty days.</p> <p>(10) Where the Commission is of the opinion that the matter requires further consideration, the Commission may decide to hold a hearing, which may be formal or informal as the Commission deems appropriate in the circumstances.</p> <p>(11) Regardless of the informal nature of a hearing, any person participating in a hearing may be represented by an advocate or any other person of their choice.</p> <p>(12) After hearing the matter, the Commission shall issue reasons for its decision in writing, giving any directions it deems appropriate in all the circumstances, including –</p> <ul style="list-style-type: none">(a) ordering the public body or private entity to pay the applicant's reasonable costs of participating in the hearing, though an applicant shall not be ordered to pay such costs of the public entity or private body;(b) ordering the public entity or private body to compensate any individual who has suffered damage as a result of delay beyond the timeline;(c) ordering the public entity or private body to compensate any individual who has suffered damage as a result of decision to –<ul style="list-style-type: none">(i) refuse to grant access to a full or partial record;
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	<ul style="list-style-type: none">(ii) grant access but not actually granting access in accordance with the application;(iii) defer providing access; or(iv) grant access to only a specified person, that the Commission determines was unreasonable in all the circumstances; <p>(d) recommending to the public entity or private body to take any administrative action that the Commission considers should be taken, and the reasons for the recommended action; or</p> <p>(e) any recommendation that the Commission considers appropriate in all the circumstances.</p> <p>(12) The Commission shall post its decisions on its website, with any necessary redactions to protect the privacy of the applicant and any other person involved in the matter, and to comply with section 6 of the Act.</p> <p>(13) The Commission may require the public entity or private body that was the subject of the application to submit a report to the Commission within a specified period on the steps, if any, taken to comply with the directions of the Commission.</p> <p>(14) If there is failure or refusal to implement the directions of the Commission within the specified time, the Commission may prepare and submit to the National Assembly, relevant County Assembly or any regulatory agency having jurisdiction over the public entity or private body, a report detailing the failure or refusal to implement its directions, and the National Assembly,</p>
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	<p>County Assembly or regulatory agency shall take appropriate action.</p>
<p>Review procedure for refusal to correct, update or annotate a record of personal information.</p>	<p>29. (1) Within three days of receiving an application for review of a public entity or private body's refusal to correct, update or annotate a record of personal information in accordance with a request made under section 13 of the Act, which request for review may be made in Form 10 set out in First Schedule, the Commission shall give notice to the relevant public entity or private body in writing, stating the reference number of the request, and requiring the public entity or private body to provide a copy of the reasons for refusing the request.</p> <p>(2) The relevant public entity or private body shall provide a copy of the reasons for refusing the request within five days of receiving notice from the Commission.</p> <p>(3) The Commission shall, within fourteen days of receiving the public entity or private body's submission, or within seven days of the notice in paragraph (1) if no submission is received by the public entity or private body, undertake a preliminary assessment of the merits of the complaint based on the details provided in the application and the public entity or private body's reasons for refusing the request.</p> <p>(4) Where the Commission is of the opinion that the public entity or private body's refusal to correct, update or annotate a record of personal information is unreasonable, the Commission shall order the public entity or private body to correct, update or annotate a record in the manner sought by the applicant, within fourteen days.</p>

(5) In addition to correcting, updating or annotating the record, the Commission may order the public entity or private body to –

- (a) publish an apology and correction in such manner as the Commission may stipulate;
- (b) order the public entity or private body to compensate any individual who has suffered damage as a result of the holding of inaccurate information about the individual or another individual; and
- (c) do any other thing that, in the Commission's opinion, is required to rectify the matter.

(6) The Commission shall stipulate a period of time within which the order must be complied with, which in any event shall be no longer than sixty days.

(7) Where the Commission is of the opinion that the matter requires further consideration, the Commission may decide to hold a hearing, which may be formal or informal as the Commission deems appropriate in the circumstances.

(8) Regardless of the informal nature of a hearing, any person participating in a hearing may be represented by an advocate or any other person of their choice.

(9) In holding a hearing, the Commission may invite representations from any person who may reasonably assist the Commission in reaching a decision that is fair in all the circumstances.

	<p>(10) After hearing the matter, the Commission shall issue reasons for its a decision in writing, giving any directions it deems appropriate in all the circumstances, including –</p> <ul style="list-style-type: none">(a) any of the orders provided for in paragraph (5); and(b) ordering the public body or private entity to pay an applicant’s reasonable costs of participating in the hearing, though an applicant shall not be ordered to pay such costs of the public entity or private body. <p>(11) Within two days of full compliance with the Commission’s order, the public entity or private body that was the subject of the application shall confirm in writing to the Commission and the applicant that the order of the Commission has been complied with.</p> <p>(12) If there is failure or refusal to comply with the order of the Commission within the specified time, the Commission may prepare and submit to the National Assembly, relevant County Assembly or any regulatory agency having jurisdiction over the public entity or private body, a report detailing the failure or refusal to comply with its order, and the National Assembly, County Assembly or regulatory agency shall take appropriate action.</p>
Investigation of complaints relating to section 16 of the Act.	<p>30. Within thirty days of any action prohibited by section 16 of the Act being taken against a person for making a disclosure, such person or a person authorized to act on their behalf may file a complaint with the Commission in accordance with Part III of the Commission on Administrative Justice Act, and the Commission</p>

	shall investigate whether the action taken in relation to the person is in contravention of section 16 (6) of the Act.
	PART VIII – OVERSIGHT BY THE COMMISSION
Establishment of the Access to information shared service digital platform.	31. The Commission shall develop a web-based access to information digital platform, compliant with the current Government ICT Standards on Electronic Records and Data Management and the most current version of WCAG, which shall be a shared service available to public entities, private bodies and requesters to submit, receive and act upon access to information requests under the Act and these Regulations.
Duty to cooperate in facilitating access to information.	<p>32. (1) Every public entity shall cooperate with the Commission and other public entities to promote and comply with the right to access information.</p> <p>(2) Without limiting (1), and notwithstanding the provisions of any other written law, every person in charge of a prison, remand or mental institution where a person is held in custody, or of any institution or facility where a person is a patient, shall ensure that any request for access to information is transmitted in confidence and any written communication in that regard, including in relation to any application for review by the Commission, shall remain sealed.</p> <p>(3) Every private body that receives public resources and benefits, utilizes public funds, engages in public functions, provides public services, or has exclusive contracts to exploit natural resources shall cooperate with the Commission and relevant public bodies to promote and comply with the right to access information.</p>

Advisory services.	<p>33. (1) The Commission shall develop and issue guidelines, advisories and circulars on implementation of the Act and these Regulations by public entities and private bodies, including the extent to which the Act and these Regulations apply to various private bodies with regard to the nature, size, operations and the public interest involved in the operations of such bodies.</p> <p>(2) Any public entity or private body may seek advice from the Commission on any matter relating to implementation of the Act and these Regulations.</p>
Awareness and capacity building of public and private actors.	<p>34. The Commission shall work with any relevant entity to promote the inclusion in training or education curricula of awareness and capacity building on the right to access information, including the rights of information seekers and the obligations of public entities and private bodies under the Act and these Regulations.</p>
Compliance with proactive disclosure requirements.	<p>35. (1) The Commission shall monitor compliance of public entities and private bodies with the proactive disclosure requirements set out in Part III of these Regulations.</p> <p>(2) The Commission shall identify any information that the Commission knows or reasonably believes exists but that is not proactively disclosed by a public entity or private body, and shall give notice to the information access officer of the public entity or private body to disclose the information if it does exist.</p> <p>(3) Within five days of receiving the notice in paragraph (2), the information access officer shall cause the matter to be investigated, immediately disclose the information where it does exist, and report to the Commission on the steps taken to comply with the notice.</p>

	<p>(4) If any public entity systematically fails to proactively disclose the information required by the Act and these Regulations, whether on its own or in response to notice by the Commission, the Commission may prepare and submit to the National Assembly, relevant County Assembly or any regulatory agency having jurisdiction over the public entity, a report detailing the failure or refusal to comply with obligations under the Act, and the National Assembly, County Assembly or regulatory agency shall take appropriate action.</p> <p>(5) If any private body systematically fails to proactively disclose the information required by the Act and these Regulations, whether on its own or in response to notice by the Commission, the Commission may prepare and submit to any regulatory agency having jurisdiction over the private body a report detailing the failure or refusal to comply with obligations under the Act, and the regulatory agency shall take appropriate action.</p> <p>(6) If the Commission is of the opinion that any offence has been committed as set out in sections 16 (4) 18 or 28 of the Act it may refer the matter for action to the Directorate of Criminal Investigations or Director of Public Prosecutions, as appropriate.</p>
Reporting.	<p>36. (1) Every public entity and private body shall report to the Commission on a quarterly basis –</p> <p>(a) the measures taken to comply with the proactive disclosure requirements of the Act and these Regulations which shall, at a minimum, include providing an electronic copy of the public entity or private body’s Information Access Guide; and</p>

(b) the measures taken to comply with the records management obligations in section 17 of the Act and regulation 27.

(2) Within fourteen days of the 30th day of June of each year, every private body shall submit to the Commission a report covering the year ending 30th June, which shall include –

(a) the number of requests for information received by the private body;

(b) the number of determinations made by the private body not to comply with requests for information, and the basis for such determinations;

(c) the average number of days taken by the entity to process requests;

(d) the total amount of fees collected for processing requests; and

(e) the total amount expended for processing requests.

(3) If any public entity or private body systematically fails to comply with its reporting obligations under the Act or these Regulations, the Commission may prepare and submit to –

(a) the National Assembly or relevant County Assembly in respect of public entities; and

	<p>(b) any regulatory agency having jurisdiction over a private body,</p> <p>a report detailing the failure to comply with obligations under the Act, and the National Assembly, County Assembly or regulatory agency shall take appropriate action.</p>
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FOR PUBLIC ENGAGEMENT

FIRST SCHEDULE

FORMS

FORM 1 (R.13)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

REQUEST FOR INFORMATION

PART I – to be completed by Requester (*the information provided on this form will only be used for the purpose of acting on this request, and for statistical purposes with identifying details – ie. name, national ID and contact information – removed*)

1. Name of Information Holder
(Please state the name of the public entity or private body from which you are requesting access)
2. Name of Requester
3. National ID of Requester
4. Sex of Requester Male Female Intersex
5. Is the Requester a Person With Disability? No Yes
If yes, indicate the nature of disability:
 physical (including any chronic illness)
 mental (cognitive, emotional or anxiety related)
 visual (blind or partially blind)
 auditory (deaf or hearing impaired)
 sensory (touch, smell, taste)
6. Contact Information of Requester
(Please indicate the address to which correspondence related to your request should be sent)
Email Address:
Postal address:
Town/City:

Telephone No:

Other:

7. Description of Information Request

(Please state all the information available to you which will assist in processing your request)

Name/Type of record *(if known)*

Reference/File No. *(if known)*

Date of record *(if known, actual or approximate)*

Subject/Contents of record

(Please state any other details that may be relevant to the processing of the request)

.....
.....
.....

8. If the requester is a person with disability, state the nature of disability (eg. visual, hearing) and type of format required

9. I would like to: *(check all that apply)*

Inspect the record

Listen to the record

Have a copy of the record made available to me in the following format:

photocopy *(Please note that copying costs will apply)*
number of copies required:

electronic

by email to

USB *(Please note that cost of USB will apply)*

transcript *(Please note that transcription charges may apply)*

translation into *(Please note that translation charges may apply)*

Other *(specify)*

10. Delivery Method

collection in person
 by email (provide email address if different / in addition to details provided above):
.....
 by mail (provide address if different / in addition to details provided above):
P.O. Box and Code:
Town/City:

11. Does the information requested concern the life or liberty of any person?
 No
 Yes (*please explain*)

12. Is the request being made on behalf of another person or group of persons?
 No
 Yes, a child aged (*explain relationship to the child*)
 Yes, a person who is incapacitated (not able to make the request due to mental or physical impairment)
 Yes, a marginalized or vulnerable person or group of persons
 Yes, other reason (*please explain*)

(If the request is for a record containing personal information about a person other than the requester, please provide a consent in Form 4. If the request is for a record containing personal information about an incapacitated person, provide a copy of legal authority to act on behalf of the person, e.g. power of attorney)

Signature of requester: Date: 20....

PART II – to be completed by information access officer (or designate)

1. Date Received [STAMP]

2. Reference Number:

3. Action Taken (*check all that apply and indicate date action taken*)
 receipt acknowledged (*Form 2*) (date)
 relevant consents or other authority received (*Form 4*) (date)
 requester contacted for clarification (date)

<p><input type="checkbox"/> requested information identified (date)</p> <p><input type="checkbox"/> request transferred to on (date)</p> <p> <input type="checkbox"/> requester informed of transfer (<i>Form 2</i>) (date)</p> <p><input type="checkbox"/> request deferred (date)</p> <p> <input type="checkbox"/> requester informed of deferral (<i>Form 2</i>) (date)</p> <p> <input type="checkbox"/> section 6(1)(g) of the Act no longer applies (date)</p> <p><input type="checkbox"/> requested information reviewed for exemptions (see section 6 of the Act) (date)</p> <p> <input type="checkbox"/> legal or expert opinion obtained (date)</p> <p> <input type="checkbox"/> legal or expert opinion provided (<i>Form 2</i>) (date)</p> <p><input type="checkbox"/> notice given to third party from whom information obtained (<i>Form 5</i>) (date)</p> <p> </p> <p><input type="checkbox"/> consent to disclosure received from third party (<i>Form 6</i>) (date)</p> <p><input type="checkbox"/> full access granted (date)</p> <p> <input type="checkbox"/> requester informed that access granted (<i>Form 2</i>) (date)</p> <p><input type="checkbox"/> partial access granted (date)</p> <p> <input type="checkbox"/> requester informed of reasons for granting partial access (<i>Form 2</i>) (date)</p> <p><input type="checkbox"/> access denied (date)</p> <p> <input type="checkbox"/> requester informed of reasons for denial (<i>Form 2</i>) (date)</p> <p><input type="checkbox"/> fee charged (amount)</p> <p> <input type="checkbox"/> requester informed of fee (<i>Form 2</i>) (date)</p> <p> <input type="checkbox"/> fee received (date)</p> <p><input type="checkbox"/> request withdrawn (<i>Form 11</i>) (date)</p> <p> <input type="checkbox"/> withdrawal acknowledged (<i>Form 12</i>) (date)</p> <p><input type="checkbox"/> records delivered or accessed in person (date)</p> <p><input type="checkbox"/> notice given of request closure (<i>Form 14</i>) (date)</p> <p>Signature of Information Access Officer:</p> <p>Date: 20.....</p>	FORM 2 (R 15/16)
<p>REPUBLIC OF KENYA ACCESS TO INFORMATION ACT, 2016 ACCESS TO INFORMATION REGULATIONS, 2019</p>	

**ACKNOWLEDGMENT OF RECEIPT and
RESPONSE TO REQUEST FOR INFORMATION**

TO:
(Name of Requester)

I information access officer at
(name of information access officer)

..... acknowledge the request to access
(name of public entity or private body receiving request)

information received on 20....., having reference number
(date)

TAKE NOTE that –

a search has been done and the information is believed to exist or to have existed but cannot be found (there is an ongoing duty to continue searching for the record. Further response will follow if the record is found)

a search has been done and the information is confirmed to exist in the following form –

- paper/hardcopy record
- electronic record
- audio recording
- video recording

your request to access the information is granted –

- in full
- in part, for the following reason –
 - some information is exempt from disclosure (see below)
 - the record contains personal information of a third party that is not required to be disclosed by law, and the third party has not consented to its disclosure

your request to access the information is not granted in part or in full, for the following reason(s) (see section 6(1) of the Access to Information Act, 2016) –

- to protect national security (*see also section 6(2) of the Access to Information Act, 2016*)
 - to allow for the due process of law
 - to protect safety, health or life
 - to protect the privacy of a person who has not consented to release of the information
 - to protect commercial interests, including intellectual property rights
 - to prevent harm to the economy of Kenya
 - it relates to legal proceedings that are contemplated or ongoing
 - it is protected by professional confidentiality as recognized in law or by the rules of a registered association of a profession
- (further details)
-
-
-
-
-

a legal or expert opinion on whether access must be provided in accordance with the Act was obtained (*copy of opinion to be provided, excluding any content protected by privilege or otherwise exempt from disclosure in accordance with section 6 of the Act*)

access to the information will be provided as requested in the following format –

by viewing or collecting it at
(address of information holder)

between the hours of and on any weekday (Monday to Friday)

- photocopy (black and white – max 5 Ksh per page)
- print (black and white – max 10 Ksh per page; colour – max 20 Ksh per page)
- electronic record (email – free; USB or other electronic storage device – max 1000 Ksh)
- transcript (max 20 Ksh per word)
- translation into (max 2500 Ksh per page)

(note that the following delivery rates apply: 500 Ksh for package less than 10kg; max 1000 Ksh for package exceeding 10kg)

the total expected cost for pages is Ksh

the total expected cost for delivery is Ksh

payment may be made via cash MPesa to

the information is held by and therefore your request has
(name of information holder)

been transferred to on 20....
(name of Information Access Officer) (date)

and your request to this office is now closed.

your request to access the information is deferred, for the following reason –

- the record is –
 - being actively developed
 - in draft form and under active consideration
 - final but subject to official approval or publication

but is expected to be available for disclosure by 20....

You may withdraw this request in Form 11 within two (2) working days of receiving this notice.

You may request a review of this decision by the Commission on Administrative Justice within thirty (30) days of receiving this notice. Information about how to request a review can be found at www.ombudsman.go.ke or by contacting the head office:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

Signature of Information Access Officer:

Date: 20..... [STAMP]

FORM 3 (R 18)

THE REPUBLIC OF KENYA

ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**ACKNOWLEDGEMENT OF TRANSFER and
RESPONSE TO REQUEST FOR INFORMATION**

TO:
(Name of Requester)

I information access officer at
(name of information access officer)

..... acknowledge the request to access
(name of public entity or private body receiving request)

information transferred from on 20....
(name of entity or body transferring request) (date)

having reference number

TAKE NOTE that –

a search has been done and the information is confirmed to exist in the following form –

paper/hardcopy record

electronic record

audio recording

video recording

your request to access the information is granted –

in full

in part, for the following reason –

some information is exempt from disclosure (*see below*)

the record contains personal information of another person who has not provided consent (*this does not apply to public officers*)

the record contains personal information of a public officer that is not required to be disclosed by law, and the public officer has not provided consent

your request to access the information is not granted in part or in full, for the following reason(s) (see section 6(1) of the Access to Information Act, 2016) –

- to protect national security (see also section 6(2) of the Access to Information Act, 2016)
- to allow for the due process of law
- to protect safety, health or life
- to protect the privacy of a person who has not consented to release of the information
- to protect commercial interests, including intellectual property rights
- to prevent harm to the economy of Kenya
- it relates to legal proceedings that are contemplated or ongoing
- it is protected by professional confidentiality as recognized in law or by the rules of a registered association of a profession

(further details)

.....

.....

.....

.....

.....

access to the information will be provided as requested in the following format –

- by viewing or collecting it at
(address of information holder)

between the hours of and on any weekday (Monday to Friday)

- photocopy (black and white – max 5 Ksh per page)
- print (black and white – max 10 Ksh per page; colour – max 20 Ksh per page)
- electronic record (email – free; USB or other electronic storage device – max 1000 Ksh)
- transcript (max 20 Ksh per word)
- translation into (max 2500 Ksh per page)

(note that the following delivery rates apply: 500 Ksh for package less than 10kg; max 1000 Ksh for package exceeding 10kg)

- the total expected cost for pages is Ksh
- the total expected cost for delivery is Ksh

payment may be made via cash MPesa to

your request to access the information is deferred, for the following reason –

- the record is –
 - being developed
 - in draft form
 - final but subject to official approval or publication

but is expected to be available for disclosure by 20....

You may request a review of this decision by the Commission on Administrative Justice within thirty (30) days of receiving this notice. Information about how to request a review can be found at www.ombudsman.go.ke or by contacting the head office:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

You may withdraw this request in Form 11 within two (2) working days of receiving this notice.

Signature of Information Access Officer:

Date: 20..... [STAMP]

FORM 4 (R 14)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**CONSENT TO DISCLOSURE OF
RECORD CONTAINING PERSONAL INFORMATION**

PART I – to be completed by person giving consent

TO:
(name of the public entity or private body from which access is being requested)

1. I of.....
(name of person to whom record relates) (address)

am aware of the information request made by
(name of requester)

on 20.... and the fact that the requested record(s) contains or may
(date of request)

contain personal information relating to me.

2. I hereby give consent to disclosure of my personal information to
.....
(name of requester)

3. I acknowledge and understand that
(public entity or private body from which access is being requested)

is not liable for any use that is made of the personal information once it is disclosed in accordance
with this request, and hereby consent to disclosure of the record.

Signature: Date: 20....

Print name:

Guidance on access to information and consent to disclosure can be found at
www.ombudsman.go.ke or by contacting the Commission on Administrative
Justice at:
2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

PART II – to be completed by information access officer (or designate)	
Date Received [STAMP]	
Reference Number of Request:	
Signature of Information Access Officer:	
Date: 20.....	
FORM 5 (R 24)	
REPUBLIC OF KENYA ACCESS TO INFORMATION ACT, 2016 ACCESS TO INFORMATION REGULATIONS, 2019	
NOTICE TO THIRD PARTY	
TO: <i>(name of third party)</i>	
TAKE NOTE that —	
I, information access officer at <i>(name of information access officer)</i>	
..... have received a request to access <i>(name of public entity or private body receiving request)</i>	
information dated 20.... having reference number <i>(date of request)</i>	
2. I have confirmed that the requested record(s) <i>(description of the record(s))</i>	
.....	

.....
that was received by contains –
(name of third party)

- information relating to commercial interests, including intellectual property rights
- information relating to family or private affairs of the third party
- communications of a personal nature between the third party and any other person
- personal information relating to a third party who is not a public officer

3. You may, within seven (7) days after receipt of this notice, consent to the disclosure or make representations as to why part or all of the record is exempt from disclosure in accordance with section 6 of the *Access to Information Act, 2016*, in Form 6 enclosed.

BE ADVISED THAT, IF NO CONSENT OR REPRESENTATION IS RECEIVED WITHIN SEVEN DAYS THAT DISCLOSURE MAY BE MADE IF THE INFORMATION IS NOT DEEMED TO BE EXEMPT FROM DISCLOSURE IN ACCORDANCE WITH SECTION 6 OF THE ACT.

Signature of Information Access Officer:

Date: 20..... [STAMP]

Guidance on access to information and consent to disclosure can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

CONSENT OR REPRESENTATION BY THIRD PARTY

PART I – to be completed by third party

TO:
(name of the public entity or private body from which access is being requested)

1. of
(name of third party) (address)

has been informed of a request for access to information dated 20.... made to

....., having reference
(name of the public entity or private body from which access is being requested)

number, and the fact that the requested record(s) contains information
received from or on behalf of
(name of third party)

2. hereby gives consent to full disclosure of the
(name of third party)

following record(s) (please describe with sufficient detail to identify the exact record) –

.....
.....
.....
.....

3. Access to the following record(s) (please describe with sufficient detail to identify the exact record) –

.....
.....
.....
.....
.....

should not be granted in part or in full, for the following reason(s) (see section 6(1) of the Access to Information Act, 2016) –

- to protect national security (see also section 6(2) of the Access to Information Act, 2016)
- to allow for the due process of law
- to protect safety, health or life
- to protect the privacy of a person who has not consented to release of the information
- to protect commercial interests, including intellectual property rights
- to prevent harm to the economy of Kenya
- it relates to legal proceedings that are contemplated or ongoing
- it is protected by professional confidentiality as recognized in law or by the rules of a registered association of a profession

(please provide further details, including specifying what part of the record should not be disclosed)

.....
.....
.....
.....
.....

Signature: Date: 20....

Print name:

Position held in relation to third party:

Guidance on access to information and consent to disclosure can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 / 2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

PART II – to be completed by information access officer (or designate)

Date Received [STAMP]

Reference Number of Request:

Signature of Information Access Officer:

Date: 20.....

FORM 7 (R 7)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

REQUEST TO CORRECT, UPDATE OR ANNOTATE RECORD OF INFORMATION

PART I – to be completed by Requester (*the information provided on this form will only be used for the purpose of acting on this request, and for statistical purposes with identifying details – ie. name and contact information – removed*)

1. Name of Information Holder
(Please state the name of the public entity or private body from which you are requesting action)

2. Name of Requester

3. Sex of Requester [] Male [] Female [] Intersex

4. Is the Requester a Person With Disability? [] No [] Yes

If yes, indicate the nature of disability:

[] physical (including any chronic illness)

[] mental (cognitive, emotional or anxiety related)

[] visual (blind or partially blind)

[] auditory (deaf or hearing impaired)

[] sensory (touch, smell, taste)

5. Contact Information of Requester

(Please indicate the address to which correspondence related to your request should be sent)

Email Address:

Postal address:

Town/City:

Telephone No:

Other:

6. Description of Record Containing Information to be Corrected, Updated or Annotated

(Please state all the information available to you which will assist in processing your request)

Name/Type of record *(if known)*

Reference/File No. *(if known)*

Date of record *(if known, actual or approximate)*

Subject/Contents of record

6. Description of Information to be Corrected, Updated or Annotated

(Please state the information to be corrected, updated or annotated, and explain in exact detail how you would like the information to be corrected, updated or annotated)

.....
.....
.....
.....
.....
.....

7. Is the request being made on behalf of another person?

No

Yes, a child aged (*explain relationship to the child*)

Yes, a person who is incapacitated (not able to make the request due to mental impairment)

Yes, other reason (*please explain*)

(If the request relates to a record containing personal information about a person other than the requester, please provide a consent in Form 8. If the request relates to a record containing personal information about an incapacitated person, provide a copy of legal authority to act on behalf of the person, e.g. power of attorney)

7. List any documents in support of your request, and attach a copy

.....
.....
.....
.....
.....

Signature of requester: Date: 20....

Guidance on a request to correct, update or annotate information can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:

2nd Floor, West End Towers

Opposite Aga Khan High School on Waiyaki Way – Westlands

P.O. Box 20414 – 00200 NAIROBI

Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666

Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

PART II – to be completed by information access officer (or designate)

1. Date Received [STAMP]

2. Reference Number:

3. Action Taken (*check all that apply and indicate date action taken*)

receipt acknowledged (*Form 9*) (date)

relevant consents or other authority received (*Form 8*) (date)

requester contacted for clarification (date)

information identified (date)

information corrected, updated or annotated (date)

requester informed of action (*Form 9*) (date)

Signature of Information Access Officer:

Date: 20.....

FORM 8 (R 7)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**CONSENT TO CORRECTION, UPDATE OR ANNOTATION OF
PERSONAL INFORMATION**

PART I – to be completed by person giving consent

TO:
(name of the public entity or private body from which access is being requested)

I of.....
(name of person to whom record relates) *(address)*

am aware of the request made by
(name of requester)

on 20.... to correct, update or annotate record(s) containing personal
(date of request)

information relating to me. I hereby give consent to correction, update or annotation of my

personal information in the manner proposed by
(name of requester / information holder)

Signature: Date: 20....

Print name:

Guidance on giving consent to a request to correct, update or annotate information can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:
2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 /2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

PART II – to be completed by information access officer (or designate)

Date Received [STAMP]

Reference Number of Request:

Signature of Information Access Officer:

Date: 20....

FORM 9 (R 7)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**ACKNOWLEDGMENT OF RECEIPT and RESPONSE TO
REQUEST TO CORRECT, UPDATE OR ANNOTATE RECORD OF INFORMATION**

TO:
(Name of Requester)

I information access officer at
(name of information access officer)

..... acknowledge the request received on
(name of public entity or private body receiving request)

..... 20.... to correct, update or annotate personal information in accordance with
(date)

section 13 of the *Access to Information Act, 2016*, having reference number

TAKE NOTE that –

your request to correct / update / annotate the record has been granted. A copy of the corrected/updated/annotated record is enclosed.

your request to correct / update / annotate the record cannot be granted for the following reason(s) –

.....
.....
.....
.....

and instead proposes to –
(name of information holder)

correct as follows
 update as follows
 annotate as follows
 (other action proposed)

Kindly provide consent to this action in Form 8, a copy of which is enclosed.

You may request a review of this decision by the Commission on Administrative Justice within thirty (30) days of receiving this notice. Information about how to request a review can be found at www.ombudsman.go.ke or by contacting the head office:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 / 2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

Signature of Information Access Officer:

Date: 20..... [STAMP]

FORM 10 (R 29/31)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

REQUEST FOR REVIEW OF RESPONSE TO REQUEST FOR INFORMATION
REQUEST FOR REVIEW OF RESPONSE TO REQUEST TO CORRECT, UPDATE
OR ANNOTATE A RECORD OF INFORMATION

PART I – to be completed by Applicant

1. Name of Applicant

2. Contact Information of Applicant

(Please indicate the email address or telephone number to which communication related to your request may be sent)

Email Address:

Telephone number:

3. Name of Information Holder
(Please state the name of the public entity or private body from which you requested action)

4. Reference Number of Information Holder

5. On 20.... I requested the following action to be taken –

[] access to information (describe the record(s) requested)
.....
.....
.....
.....

[] correction, updating or annotation of personal information (describe your request)
.....
.....
.....
.....

6. On 20.... I received the following response (please describe) –
.....
.....
.....
.....

7. I hereby request that the Commission on Administrative Justice conduct a review into the reasonableness of the response to my request.

Signature: Date: 20....

Guidance on submitting a request to correct, update or annotate information can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 / 2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

FORM 11 (R 21)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

WITHDRAWAL OF REQUEST FOR INFORMATION

PART I – to be completed by Requester

TO:
(name of the public entity or private body from which access has been requested)

TAKE NOTE THAT –

I, having requested access to records
(name of requester)

by request dated 20...., having reference number, hereby
(date)

withdraw this request for access to information.

Signature: Date: 20....

Print name:

Guidance on withdrawing a request for information can be found at www.ombudsman.go.ke or by contacting the Commission on Administrative Justice at:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
Tel: +254-20- 2270000 / 2303000 / 2603765 / 2441211 / 8030666
Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

PART II – to be completed by information access officer (or designate)

1. Date Received [STAMP]

2. Action Taken (*indicate date action taken*)

[] receipt acknowledged (*Form 12*) (date)

Signature of Information Access Officer:

Date: 20.....

FORM 12 (R 21)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**ACKNOWLEDGEMENT OF WITHDRAWAL
OF REQUEST FOR INFORMATION**

TO:

(*Name of Requester*)

I, information access officer at

(*name of information access officer*)

..... acknowledge withdrawal of the
(name of public entity or private body receiving request)
request to access information received on 20...., having reference number
(date)
..... This request is now closed.
Signature of Information Access Officer:
Date: 20.... [STAMP]

FORM 13 (R 22)

REPUBLIC OF KENYA
ACCESS TO INFORMATION ACT, 2016
ACCESS TO INFORMATION REGULATIONS, 2019

**NOTICE OF CLOSURE
OF REQUEST FOR INFORMATION**

TO:
(Name of Requester)

TAKE NOTE THAT –

the request for access to information made to on
(name of entity or body receiving request)

..... 20.... having reference number will be closed for the
(date)

following reason –

[] thirty (30) days has elapsed since further information or consent was requested in order to process your request, and no further information or consent has been provided;

thirty (30) days has elapsed since notice was given that your request is denied, and no request for review has been filed with the Commission;

thirty (30) days has elapsed since notice was given that your request has been granted in full or in part, and no fees have been paid or request for review filed with the Commission;

thirty (30) days has elapsed since access was provided in accordance with the Act, and no request for review has been filed with the Commission.

Signature of Information Access Officer:

Date: 20..... [STAMP]

You may request a review of this decision by the Commission on Administrative Justice within thirty (30) days of receiving this notice. Information about how to request a review can be found at www.ombudsman.go.ke or by contacting the head office:

2nd Floor, West End Towers
Opposite Aga Khan High School on Waiyaki Way – Westlands
P.O. Box 20414 – 00200 NAIROBI
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Email: info@ombudsman.go.ke / complain@ombudsman.go.ke

SECOND SCHEDULE

CATEGORIES OF PUBLIC ENTITIES AND PRIVATE BODIES TO WHICH THE ACT APPLIES

A. Public Entities

“public entity” means –

- (a) any office in the national government, a county government or the public service, if the remuneration and benefits of the office are payable directly from the Consolidated Fund or directly out of money provided by Parliament, and for greater clarity “public service” means the collectivity of all individuals, other than State officers, performing a function within a State organ; or
- (b) any entity performing a function within a commission, office, agency or other body established under the Constitution.

Categories of Public Entities

Public entities to which the Act and these Regulations apply include –

- (a) Ministries, Departments and Agencies
- (b) State Corporations
- (c) County Governments
- (d) Constitutional and Independent Commissions and Offices
- (e) The Judiciary
- (f) Parliament
- (g) National Security Organs
- (h) County Governments
- (i) County Assemblies
- (j) County Agencies
- (k) Regulatory Bodies

B. Private Bodies

“private body” means any private entity or non-state actor that –

- (a) receives public resources and benefits, utilizes public funds, engages in public functions, provides public services, has exclusive contracts to exploit natural resources (with regard to said funds, functions, services or resources); or
- (b) is in possession of information which is of significant public interest due to its relation to the protection of human rights, the environment or public health and safety, or to exposure of corruption or illegal actions or where the release of the information may assist in exercising or protecting any right;

Categories of Private Bodies

The Act and these Regulations apply to private bodies engaged in any industry or sector, including –

- (a) Health Care
- (b) Transport and Infrastructure
- (c) Energy and Petroleum
- (d) Mining
- (e) Agriculture, Livestock and Fisheries
- (f) Education
- (g) Water and Sanitation
- (h) Finance (eg. insurance, SACCOs)
- (i) Social Services
- (j) Private bodies to which the Public Private Partnership Act applies
- (k) Professional bodies
- (l) Private regulatory bodies
- (m) Trade unions
- (n) Political parties
- (o) Social services (eg. NGOs, religious bodies, members' clubs)

- (p) Private pension schemes
- (q) Media and communication services.

Made on the, 2021.

JOE MUCHERU,
Cabinet Secretary,
Ministry of Information, Communication, Technology, Innovation and
Youth Affairs.