



**REPUBLIC OF KENYA**  
**THE KISUMU COUNTY GOVERNMENT**

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**THE PROPOSED KISUMU COUNTY ACCESS TO  
INFORMATION POLICY, 2024**

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**JANUARY, 2024**

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## **ACRONYMS**

**ATI**- Access to Information

**CGK**- County Government of Kisumu

## **FOREWORD**

The County Government of Kisumu is committed to upholding the rule of law in its governance. Right of access to information (ATI) is pivotal for governance under the rule of law and its recognition is a great stride towards achieving good governance, a key aspect of democracy. Our primary aim is to foster citizen participation with well informed citizenry. Our principal objective is to grant maximum access to information as a County Government thus fostering transparency. This policy is designed to establish a framework that aligns all governance structures and processes to the principles of access to information and procedurally guide government officials and citizenry on how to achieve the full enjoyment of the right of access to information.

In shaping this policy, we have duly considered the profound influence of globalization and the rapid evolution of technology. These changes have consistently transformed the traditional approach to governance and access of information held by government and service delivery, underscoring the need for adaptable policy measures. This policy articulates a clear and compelling vision to govern an informed citizenry that fully and consciously participates in governance processes at all times. In achieving this futuristic vision, our focus is on mainstreaming access to information into every department. The measures and strategies stemming from this policy will continue to drive rapid transformation for Kisumu County.

In conclusion, I have every confidence that this policy will continue to set the course and provide the correct direction for the development of our democracy as a whole, with a particular emphasis on transparent governance, ultimately benefiting all stakeholders.

HE. PROF. PETER ANYANG' NYONG'O  
**GOVERNOR; COUNTY GOVERNMENT OF KISUMU**

## **PREFACE**

With the advancement of enlightenment and ease of acquiring knowledge, information and the access to it, coupled with notable shifts in the legal landscapes, and the emergence of various pressing issues, contemporary challenges encompass access to government information. This policy maps out these challenges and issues definitive policy directions.

The development of this policy is the culmination of an exhaustive, all-encompassing, participatory, and consultative process. It is underpinned by a set of guiding principles, which include ensuring maximum access to information but clearly defining standards and procedures for making information available while safeguarding public interest.

In essence, the overarching policy objectives aim to strengthen the legal and institutional framework to enhance access to information. To fully realize these objectives, a comprehensive and detailed exploration of the various facets of the right of access to information is necessary.

In conclusion, the development of the Kisumu County Access to Information (ATI) Policy is a testament to our commitment to openness and to achieving the full aim of democracy. It is a comprehensive framework that acknowledges the cardinal nature of the right to access of information, addressing the challenges

**COUNTY EXECUTIVE COMMITTEE MEMBER  
PUBLIC SERVICE, COUNTY ADMINISTRATION AND  
PARTICIPATORY DEVELOPMENT**

## **ACKNOWLEDGEMENT**

We are grateful to HE The Governor and CEC Member for this policy direction and guidance during the formulation of this Policy.

Special thanks goes to Technical Officers under the Directorate of Communication and Public Participation, resource persons from other Departments in the County Government of Kisumu.

On behalf of the Directorate of Communication and the Directorate of Public Participation, I'm grateful to the members of the taskforce on the formulation of the access to information policy that was mandated to steer the development of this policy whose membership is listed herein.

In the spirit of intergovernmental relations, we are sincerely grateful for the input of the National Government.

CHIEF OFFICER

**PUBLIC SERVICE, COUNTY ADMINISTRATION AND  
PARTICIPATORY DEVELOPMENT**



**MEMBERS OF THE TASKFORCE ON THE FORMULATION OF  
THE ACCESS TO INFORMATION POLICY**

## **DEFINITION OF TERMS**

**“Citizen”** means both natural and juristic persons. The Access to Information Act defines citizen as any individual holding Kenyan citizenship and any private entity that is controlled by one or more Kenyan citizens. The Act thus broadens the concept of citizenship to include firms and corporate entities.

**“Edited copy”** means A document that may be accessible subject to exempt information being deleted in order to balance the right to access to information against other rights such as privacy and human dignity.

**“Records”** means all sources of information including those generated in digital form. Records mean documents or other sources of information compiled, recorded or stored in written form including those generated by, transmitted within and stored in an information system.

**“Exempt information”** means information that may be lawfully withheld by the County Government or its entities, although such information must be contemplated in accordance with Section 6 of the Access to Information Act.

**“National security”** means the protection against internal and external threats to Kenya’s territory and sovereignty, its people, their rights and freedoms, property, peace, stability and prosperity and other national interests.

**“Personal information”** means information about an identifiable individual and include information relating to race, gender, marital status, pregnancy status, age, social origin, mental health, language, birth, religion, culture as well as information on education, medical or criminal or employment history. It also includes information relating to financial transactions an individual has been involved in, a person’s views or opinion over another person, correspondence sent by the individual that is explicitly or implicitly confidential and contact details of an individual.

**Access to Information (ATI):** The right of individuals to obtain information held by the government, as defined in Article 53 of the Constitution of Kenya 2010 and Access to information Act.

**Good Governance:** A fundamental principle highlighted in the policy, referring to the ethical and effective management of public affairs, ensuring accountability, transparency, and citizen participation.

**Legal Frameworks:** Refers to the set of laws and regulations, both national and international, that form the basis for the Kisumu County Access to Information Policy, providing a legal structure for information access.

**Active Transparency:** The proactive disclosure of information by the County Government to the public without formal applications, a key element in promoting openness and accessibility.

**Whistleblower Protection:** Measures outlined in the policy to safeguard individuals reporting wrongdoing or corruption within the County Government, encouraging transparency and accountability.

**Sustainable Development Goal 16:** Mentioned in the policy, it pertains to the United Nations' goal focused on promoting peace, justice, strong institutions, and, relevantly, access to information for effective governance.

**Coordination Structures:** Refers to the organizational mechanisms intended to ensure efficient collaboration among different entities within the County Government for the effective implementation of the Access to Information Policy.

**Institutional Capacity:** The collective ability and resources within County Government organizations to facilitate access to information, including personnel, technology, and infrastructure.

**Public Sensitization:** The process of raising awareness and educating the public about their rights to access information, a challenge addressed in the policy due to resource constraints.

**Protected Disclosure:** A disclosure of information is a protected disclosure if the discloser/whistleblower —

- (a) believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser’s organisation; and
- (b) discloses information about that in accordance with this Policy or any other relevant law; and
- (c) does not disclose it in bad faith.

**Appeals Mechanism:** A system outlined in the policy to address and resolve disputes or dissatisfaction with information access decisions, providing a recourse for citizens seeking additional review.

## **EXECUTIVE SUMMARY**

The Kisumu County Access to Information (ATI) policy emphasizes transparency, good governance, and citizen participation. Anchored in national and international legal frameworks, including the Constitution of Kenya and global conventions, the policy promotes the right of individuals to access government information. Key elements include active transparency obligations, protection of rights through access to information, and addressing specific needs like accessibility for persons with disabilities. The policy aligns with global initiatives against corruption and recognizes the importance of information in achieving Sustainable Development Goal 16.

CGK faces challenges in its Access to Information (ATI) framework, marked by a lack of coordination, scattered legislations, and insufficient resources. Legal ambiguities persist regarding who can access information, responsibilities for disclosure, and criteria for information release. Coordination structures are ineffective, leading to role duplication. Inadequate resources, both financial and infrastructural, hinder efficient information distribution and public sensitization. Despite recognizing the crucial link between transparency and good governance, the county struggles to implement an ATI policy effectively. Optimal ATI implementation requires adherence to principles like maximum access, clear procedures, record standards, defined exemptions, and robust appeals mechanisms.

The Access to Information Policy for Kisumu County aims to fortify the legal and institutional frameworks, withal a scope covering all documents and records managed by the County Government, applying to both permanent and temporary staff.

The policy focuses on key areas, including disclosure of information, access, application processes, whistleblower protection, response timelines, and institutional capacity strengthening. It recognizes the pivotal role of access to information in good governance, democracy, and

citizen engagement. The disclosure policy emphasizes proactive release through various channels, such as the county website and local offices, categorizing information for public access without formal applications. The strategies acknowledge legal and operational considerations, leading to exceptions in disclosure.

The overall goal is to empower citizens with timely, relevant information, fostering their participation in governance and facilitating effective scrutiny of the County Government's performance. This policy aligns with constitutional mandates and the Access to Information Act, seeking to address challenges and establish a comprehensive framework for information access in Kisumu County. The core values of the policy highlight citizen involvement, sustainable decision-making, and transparent communication to ensure meaningful public participation in the governance processes of the county.

In conclusion, the Kisumu County Access to Information (ATI) policy underscores the vital principles of transparency, good governance, and citizen engagement, guided by national and international legal frameworks. While facing challenges in its implementation, particularly regarding coordination, scattered legislations, and resource limitations, the policy seeks to fortify legal and institutional foundations. Emphasizing proactive disclosure, protection of rights, and addressing specific needs, the policy aims to empower citizens with timely information and enhance their participation in governance. Aligned with constitutional mandates and the Access to Information Act, the overarching goal is to establish a comprehensive framework that promotes transparency, accountability, and meaningful public involvement in the governance processes of Kisumu County.



## CHAPTER ONE

### 1.0 - INTRODUCTION

Kisumu County emerges as one of the most democratically proactive counties in the country. This is evident in the manner in which elections in Kisumu County evoke intense emotions and high tensions, capturing the full attention of residents as they passionately support their preferred candidates. Governance is a pivotal instrument in the Democratic landscape, intricately woven from a rich tapestry of historical context, legal imperatives, and strategic considerations. There is a link between transparency, good governance, and citizen participation. This policy is a response to strengthening the democratic fabric within Kisumu County. The preamble underscores the profound role of the right to access information (ATI) in shaping informed choices, fostering civic engagement, and steering the development trajectory of the county.

Against the backdrop of global and regional legal frameworks, CGK endeavors to align itself with the principles enshrined in the Constitution of Kenya, 2010, and international conventions. It recognizes the critical interplay between legal mandates, such as those highlighted in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, and the overarching goal of fostering transparency, accountability, and citizen empowerment at the local level. As the policy unfolds, it addresses head-on the challenges encountered in the implementation of the ATI framework within Kisumu County such as legal ambiguities, coordination deficiencies, and resource constraints setting the stage for comprehensive strategies that seeks not only to navigate these impediments but to fortify the foundations of the access to information infrastructure.

Notably, there is political will to ensure Kisumu County citizenry enjoy the full right to ATI. The Directorate of Communication has been in charge of access to information across the county. As much as the Directorate has been operating without proper policy directions, it has played a pivotal



role in upholding the right to access of information. Henceforth, this policy envisions a proactive approach, emphasizing the disclosure of information, streamlining application processes, safeguarding whistleblowers, and bolstering institutional capacities. It is a testament to the county's commitment to democratic ideals, recognizing that an informed citizenry is not only a right but a cornerstone for effective governance and sustainable development.

### **1.1 - Background to the Kisumu County Access to Information Policy**

The County Government of Kisumu, takes cognizance of the primacy of access to information as a crucial foundation of good governance, participatory democracy and rule of law. In the political parlance of human rights, the principles of good governance and participatory democracy in Kisumu County is intended to be realized and materialized through the right to access to information as guaranteed along with other rights, to all the citizens of Kenya. This Policy is therefore based on the realization that the operationalization of good governance principles such as transparency and participation depends largely on the degree of access that citizens have to government information and the means of Citizen engagement with the County Government and to assess, through access to relevant and timely information, the extent to which the County Government is performing the responsibilities of public office effectively and efficiently.

The Policy addresses the overarching objectives of the Article 35 of the Constitution of Kenya, 2010 and the Access to Information Act, 2016 with regard to the promotion and facilitation of the Right to Access to Information. It delineates the functions of the County Government as well as the roles of other stakeholders in the promotion and facilitation of the right to access to information. In addition, it proposes a County Legislation on Access to Information and further addresses the challenges experienced in the operationalization of the Access to Information Act, 2016 and aligns

mandates of the County Government Departments and entities in facilitation of access to information. In line with the Constitution, the policy underscores the right to access to information as a principle foundation of governance and recognizes the need to provide procedures for access of information by the Citizens of Kenya in Kisumu County.

This policy further provides an administrative framework for the County Government public officers in dispensing their constitutional mandate of ensuring, promoting and facilitating access to information. It also provides mechanisms for funding, linkages in research, monitoring and evaluation on access to information within the County. In essence, effective enforcement of this policy will ensure appropriate promotion of the right to access information by any citizen of Kenya within Kisumu County.

*Table 1.0: Core Values of the Kisumu County Access to Information Policy*

1. The public should have a say in decisions about actions that could affect their lives.
2. Access to information includes the promise that the public's awareness will influence the decision.
3. Access to information promotes sustainable decisions by recognizing and communicating the needs and interests of all citizens, including decision-makers.
4. Access to information seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Access to information provides participants with the information they need to participate in governance.
6. Access to information communicates to participants how their input affects government decisions.

## **1.2 - Situational Analysis**

The right of access to information (ATI) is fundamental in order to govern by the rule of law. Indeed, there is a link between transparency and good governance, on the one hand, and ATI, on the other hand. The County Government recognizes the inherent importance of promoting the ability of individuals to access information held by the government in order to strengthen governance by improving the capacity of the Public to make informed choices and to fulfill its obligation to shape policy and effectively participate in the development of Kisumu County. Development and Implementation of an Access to Information policy holds the promise of fostering good governance by improving information management, enhancing transparency, accountability and greater participation of citizens in public discourse. Access to information is to also be assured through instituting measures that enable individuals to obtain information and allows institutions to disclose information lawfully. Below is the current situation.

### **1.2.2 - Legal and Policy Context**

This policy is anchored on the provisions in the existing National legal frameworks, relevant international protocols and conventions which include:

#### **Global and Regional Framework on the Right of Access to Information**

These include regional protocols and conventions such as:

- a) International Covenant on Civil and Political Rights, at Article 19 encompasses the right of access to information held by public bodies.

- b) Convention on the Rights of the Child guarantees the right of access to information for children in Articles 12 and 13.
- c) Convention on the Rights of Persons with Disabilities at Article 21 requires States to specifically guarantee the right of access to information to persons with disabilities.
- d) Convention on Elimination of All Forms of Racial Discrimination at Article 5 requires States to eliminate racial discrimination in freedom of expression including right of access to information.
- e) African Charter on Human and Peoples' Rights at Article 9 guarantees the right of every individual to receive information.
- f) UN Convention Against Corruption underscores the role of information in fighting corruption and requires States to ensure the public has effective access to information.
- g) African Convention on Combating and Preventing Corruption requires States to ensure realization of the right of access to information for eradication of corruption.

The Universal Declaration of Human Rights (UDHR) was the first international instrument to guarantee the right of access to information. Article 19 provides for the right to seek and receive information and ideas.<sup>1</sup> While Article 19 does not expressly mention the right of access to information, the right to seek and receive information and ideas is understood to encompass the right to information, that is the right to request and be given information held by public bodies.<sup>2</sup>

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 (III) A

<sup>2</sup> T McGonagle 'The development of freedom of expression and information within the UN: leaps and bounds or fits or starts?' in T McGonagle & Y Donders

Article 19 of the UDHR laid the foundation for the development of the right of access to information in legally binding treaties at the global and regional level<sup>3</sup>.

- **The International Covenant on Civil and Political Rights (ICCPR).**

Article 19 (2) of the International Covenant on Civil and Political Rights (ICCPR) provides for the right of everyone to freedom of expression which includes freedom to seek, receive and impart ideas of all kinds regardless of frontiers, in writing or in print or in the form of art or through any media of his choice<sup>4</sup>. Although the right of access to information is not expressly mentioned, there is general acceptance that freedom of expression includes the right of access to information.

- **The Convention on the Rights of Persons with Disabilities.**

The Convention on the Rights of Persons with Disabilities at Article 21 requires States to ensure that persons with disabilities can exercise their right of access to information by providing information intended for the public in accessible formats and technologies appropriate to different kinds of disabilities without additional costs. It also requires States to accept and facilitate the use of sign language, Braille, augmentative and alternative communication to ensure access to information for persons with disabilities.<sup>5</sup>

- **African Charter on Human and People's Rights**

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<sup>3</sup> *The United Nations and freedom of expression and information: critical perspectives (2015) 41.*

<sup>4</sup> *International Covenant on Civil and Political Rights, 16 December 1966, entered into force 23 March 1976, UNTS, 172, Art. 19 (2).*

<sup>5</sup> *Convention on the Rights of Persons with Disabilities, 13 December 2006, A/RES/61/106, entered into force 3 May 2008 Art. 21*

The African Charter on Human and Peoples' Rights (ACHPR) at Article 9 (1) guarantees the right of every individual to receive information.<sup>6</sup> While the right of access to information is not expressly provided for, the 2002 Declaration of Principles on Freedom of Expression in Africa elaborate on the right of freedom of expression and provide that States have a duty to guarantee access to information held by public bodies and that held by private entities where it is necessary for the exercise of a right.

- **The United Nations Convention against Corruption**

The United Nations Convention against Corruption underscores the role of information to society in the prevention of and fight against corruption. To this end the Convention requires State Parties to take appropriate measures to secure the participation of individuals and groups outside the public sector such as community based organizations, civil society organizations and non-governmental organizations in the prevention of and fight against corruption by ensuring the public has effective access to information.<sup>7</sup>

- **African Union Convention on Preventing and Combating Corruption**

The African Union Convention on Preventing and Combating Corruption at Article 9 requires States to adopt legislation and other measures for the realization of the right of access to information required in the eradication of corruption and related offences.<sup>12</sup> This international and regional legal framework on the right of access to information forms part of Kenyan law under the Constitution, 2010.

- **Global Instruments on the Right of Access to Information**

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<sup>6</sup> *African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986, Art. 9 (1)*

<sup>7</sup> *UN Convention Against Corruption 31 October 2003, A/58/422, available at: <http://www.refworld.org/docid/4374b9524.html> [accessed 03 April 2018]*

In addition, the global and regional framework is supplemented by a number of soft law references. The Tshwane Principles on the Right to Information and National Security seek to shield the right to information and ensure that the public has access to information held by governments while not endangering legitimate government interests to protect people from national security threats. Under the Principles, while governments may legitimately withhold information to protect narrowly defined national security interests, information relating to violations of human rights, humanitarian war, perpetrators of torture, crimes against humanity and locations of secret prisons must never be withheld.<sup>8</sup> The Commonwealth Freedom of Information Principles recognize the importance of public access to official information in promoting transparency and accountable governance and to encourage citizens' full participation in governance<sup>9</sup>. The Commonwealth also has model draft law to guide member States which draws from the Freedom of Information Principles and existing laws in member States.<sup>15</sup> Significantly, Sustainable Development Goal 16 on peace, justice and strong institutions embraces the right to press freedom and information as important to its achievement<sup>10</sup>.

### 1.3 - NATIONAL LEGAL CONTEXT

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<sup>8</sup> *The Global Principles on National Security and the Right to Information*, June 12, 2013, available at <https://www.opensocietyfoundations.org/fact-sheets/tshwane-principles-national-security-and-right-information-overview-15-points> (accessed 18 Nov. 2023)

<sup>9</sup> *Commonwealth Freedom of Information Principles*, 1999, available at [http://www.humanrightsinitiative.org/programs/ai/rti/international/cw\\_standards.htm](http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards.htm) (accessed 20 November, 2023)

<sup>10</sup> *Commonwealth Model Law*, [http://www.humanrightsinitiative.org/programs/ai/rti/international/cw\\_standards/Cth%20model%20law%20-%20FOI%20Act.pdf](http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/Cth%20model%20law%20-%20FOI%20Act.pdf) (accessed 20 November 2023).

## 1. Constitution of Kenya, 2010

Article 35 of the Constitution guarantees the right of access to information as a self-standing right independent of freedom of expression.

Article 35 provides:

- (1) *Every citizen has the right of access to-*
  - (a) *information held by the State; and*
  - (b) *information held by another person and required for the exercise or protection of any right or fundamental freedom.'*
- (2) *every person has the right to the correction or deletion of untrue or misleading information that affects the person.*
- (3) *The State shall publish and publicize any important information affecting the nation.*

First, the right to access to information is guaranteed only for citizens. The Constitution does not define 'citizen' and construes citizenship as only applying to natural persons.<sup>11</sup> Notably, there is developing jurisprudence from the High Court, in which in some instances the Courts broadened the concept of citizenship to encompass juristic persons, while in other instances the Courts have adopted the express textual formulation in the Constitution that only includes natural persons.

Second, the right of access to information is a general right that encompasses the overall volume of information held by the County Government, with the exception of information exempted from access by

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<sup>11</sup> See, *Chapter Three, Constitution, 2010 on citizenship. In the case of High Court of Kenya Petition No. 43 of 2012, Famy Care Limited vs. Public Procurement Administrative Review Board & Another*[2012] eKLR[2] leaves one uncertain whether this Constitution gives more reason to fear than to hope for as far as the right of access to information is concerned.



statutory law in line with the general limitations clause based on human dignity, equality and freedom.

Third, the Constitution articulates two sets of obligations of the County Government in regard to the right. The obligation of active transparency contained in Article 35(3) of the Constitution which imposes on the State a mandatory duty to proactively publish and publicize information affecting the nation. The passive transparency obligation is contained in sub-article (1) which imposes an obligation on the State to ensure access to sources of information including information held by private persons, where such information is necessary for protection of rights.

Fourth, every person is entitled to a right to have information about them corrected or deleted if it is untrue or misleading and affects the person.

Fifth, the right has horizontal application as it places obligations on relevant private persons and entities. Additionally, the Constitution guarantees the right of access to information to persons with disabilities.<sup>12</sup>

The Constitution also guarantees the right to privacy, right to fair hearing, political rights and economic, social and cultural rights which draw from the right of access to information.<sup>13</sup> The above provisions of Article 35 of the Constitution are further concretized in the Access to Information Act, 2016, highlighted below. In relation to County Governments, the County Government Act, 2012 sets out obligations of County Governments in regard to access to information. A number of other national laws also relate to access to information.

## **2. Access to Information Act, 2016**

The Access to Information Act, 2016 is the primary legislation on access to information in Kenya. The Act lists the objectives as to achieve openness and transparency in the activities of public bodies and private bodies through proactive disclosure of information and information

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<sup>12</sup> *Article 54(c) Constitution, 2010.*

<sup>13</sup> *Article 31, Article 50, Article 38 & Article 43 Constitution, 2010.*

requests; to protect of persons who disclose information of public interest in good faith; and to provide a framework to facilitate public education of the right of access to information.

### **3. County Governments Act, 2012**

As pointed out above, while the Access to Information Act, 2016 applies to both the national and county government, the County Governments Act, 2012 places specific obligations on county governments in regard to right of access to information. Section 96 exclusively addresses itself to access to information held by county governments, unit or department of the county and requires county governments to designate an office with a view to enhancing access to information. The Section further obligates county governments to pass legislation to guarantee access to information.<sup>14</sup>

A number of other provisions in the Act invoke the right of access to information. These include the county government principle of public participation which is the bedrock of devolved governance and is preconditioned on access to information, data, documents and other information related to policy formulation and implementation.<sup>15</sup> Additionally, the county media is obliged to observe access to information,<sup>16</sup> while the county communication framework is required to facilitate public communication and access to information.<sup>17</sup>

### **4. Public Finance Management Act**

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<sup>14</sup> *County Government Act, Section 96: (1) Every Kenyan citizen shall on request have access to information held by any county government or any unit or department thereof or any other State organ in accordance with Article 35 of the Constitution. (2) Every county government and its agencies shall designate an office for purposes of ensuring access to information required in sub-section (1). (3) Subject to national legislation governing access to information, a county government shall enact legislation to ensure access to information*

<sup>15</sup> *Section 87, County Government Act.*

<sup>16</sup> *Section 93, County Governments Act*

<sup>17</sup> *Section 95, County Governments Act*

The Public Finance and Management Act which provides for effective oversight of public finances both in the national and county governments, makes specific reference to Article 35 of the Constitution and mandates publishing and publication of all reports of the parliamentary budget office 14 days after their production.<sup>18</sup>

### **5. Ethics and Anti-Corruption Commission Act**

The Ethics and Anti-Corruption Commission Act at Section 29 also echoes Article 35 of the Constitution and providing for access to information for citizens by outlining the procedure for requests for information. In addition, the Act requires the Commission to publish and publicize information within its mandate affecting the nation in accordance with the right of access to information in the Constitution<sup>19</sup>. The Act nonetheless introduces a requirement that every member and employee of the Commission must sign a confidentiality agreement<sup>20</sup>.

### **6. Public Archives and Documentation Service Act**

The Public Archives and Documentation Service Act which regulates the preservation of public archives and public records provides for public access to public archives which were accessible to the public before their transfer to the National Archives.<sup>21</sup>

## **Kenyan Jurisprudence**

The Application and interpretation of the laws governing access to information in Kenya remains highly litigated and this has seen Courts set precedence on the manner in which article 35 of the Constitution should be interpreted and applied. Some of the leading judicial precedence worth attention include the following case laws:

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<sup>18</sup> *Section 10 (f) Public Finance Management Act.*

<sup>19</sup> *Section 29, Ethics and Anti-Corruption Act.*

<sup>20</sup> *Section 29 (5) Ethics and Anti-Corruption Act.*

<sup>21</sup> *Section 6 (4) Public Archives and Documentation Service Act*

***Katiba Institute v President Delivery Unit & 3 others [2017] eKLR [Right to information extends to juristic persons]***. The determination of the Court in this case made a great variation from the earlier cases. The learned judge considered that the Access to Information Act under Section 2 considers a citizen to include a juristic person whose director(s) is a citizen. The court further stated that under Section 21 of the Act it was not a condition precedent for the petitioner to first file a complaint with the Commission of Administrative (CAJ).

***John Harun Mwau v Linus Gitahi & 13 others [2016] eKLR [Private persons and entities required to disclose information for exercise and protection of fundamental rights]***. Here the Court made an interpretation on the obligation to disclose information and held that private persons and entities are also required to disclose information when the information is required for the exercise and protection of fundamental rights and freedoms.

***Kahindi Lekalhaile & 4 others v Inspector General National Police Service & 3 others [2013] eKLR***. The limitations of the right to information is based on the concept that such a right is not a self-propelling right and that Information must first be requested from the public entity holding it]

## **1.4 - COUNTY CONTEXT**

### **Population and Demographic Profile**

The population of the County according to the 2019 Kenya Population and Housing Census was 1,155, 574 persons with 560,942 (48.5 percent) males and 594,609 (51.5 percent) females. The county population is currently estimated at 1,227,702 and is projected to 1,484,366 by 2030. The average household size in the county is 3.8 compared to the national average of 3.9 with Nyando and Nyakach having sizes of 4.2 each with Kisumu Central being the lowest at 3.3. The County's average population

density according to 2019 Kenya Population and Housing Census stands at 554 per sq. kilometre against the national average of 82 per sq. kilometre. The most densely populated Sub-County is Kisumu Central at 4,737 persons per square km while Muhoroni Sub-County is the least at 234 persons per square km. According to the 2019 Kenya Population and Housing Census the population of street persons was 451 of which 315 were males and 136 were females.

The county’s 2019 population structure is typical of a population that is dominated by young persons with the categories between 0-9, 10-19 and 20-29 age groups having the largest populations of 288,735, 299,427 and 209,826 respectively. The cohort with the lowest population is 70-79 and 80+ years as shown in the Table below.

**Table 2: Kisumu County Population Distribution by Age**

S/No.	Age Distribution (C 2019)	
	Age Category (years)	Population
1.	0-9	288,735
2.	10-19	299,427
3.	20-29	209,826
4.	30-39	153,081
5.	40-49	85,557
6.	50-59	52,613
7.	60-69	38,263
8.	70-79	19,419
9.	80+	8,603

*Source: Kenya National Bureau of Statistics (2019) Kenya Population and Housing Census; Volume IV Distribution of Population by Socio-Economic Characteristics, December 2019*

Pursuant to the 2019 Kenya Population and Housing Census, there were a total of 39,929 persons with disability of who 23,580 were female and 16,349 were males. Table 3 below shows the distribution of the population aged 5 years and above by type of disability.

**Table3: Distribution of Population aged 5 years and above by type of disability.**

S/No.	Type of Disability	Number
1.	Visual	17,606
2.	Mobility	16,196
3.	Cognitive	8,190
S/No.	Type of Disability	Number
4.	Hearing	7,291
5.	Self-care	4,288
6.	Communication	3,409

*Source: Kenya National Bureau of Statistics (2019) 2019 Kenya Population and Housing Census: Volume IV Distribution of Population by Socio-Economic Characteristics, December 2019*

### **Education and Literacy.**

The Kisumu County literacy levels are fairly high with 90.8% of the population aged 15+ able to read and 83.4% able to write while 81.1% of the population are able to read & write. Table 4 below shows the distribution of population age 3 years and above by highest level of education reached in Kisumu County.

**Table 4: Distribution of Population Age 3 Years and Above by Highest Level of Education Reached and Sex in Kisumu County.**

Level of Education	Total	Male	Female
Total	<b>978,105</b>	<b>478,889</b>	<b>499,198</b>
Pre-primary	104,468	52,242	52,226
Primary	492,849	234,090	258,748
Secondary	258,761	127,868	130,889
TVET	73,246	36,108	37,137
University	45,701	26,912	18,787
Adult Education	741	365	376

<b>Madrassa/Duksi</b>	48	28	20
<b>Don't know</b>	1,989	1,128	861
<b>Not states</b>	302	148	154

*Source: Kenya National Bureau of Statistics (2019) 2019 Kenya Population and Housing Census: Volume IV Distribution of Population by Socio-Economic Characteristics, December 2019*

### **Information Communication and Technology**

According to the 2019 Kenya Population and Housing Census a total 524,515 (49.4%) of individuals aged 3 years and above owned a mobile phone. More females (271,786) than males (252,715) owned a mobile phone. Generally, mobile phone penetration is high, and the coverage by the major service providers (Safaricom, Airtel and Telkom) is basically reliable. The use of internet and computers is however, low with only 253,426 (23.9%) using internet and 133,434 (12.6%) using computers. The ownership and usage of selected ICT equipment and services in Kisumu County is presented in Table 5 below.

**Table 5: Distribution of Population Age 3 years and Above Owning a Mobile Phone and using internet and computers by County and Sub County**

County/sub-county	Mobile phone ownership		Use of internet		Use of computers/ Laptop/ Tablet	
	Total	%	Total	%	Total	%
<b>County</b>	<b>524,515</b>	<b>49.4</b>	<b>253,426</b>	<b>23.9</b>	<b>133,434</b>	<b>12.6</b>
<b>Kisumu East</b>	109,698	54.2	58,879	29.1	29,987	14.8
<b>Kisumu Central</b>	97,762	61.6	69,939	44.2	41,096	26.0
<b>Kisumu West</b>	78,440	49.6	37,566	23.9	21,037	13.4
<b>Seme</b>	48,931	43.5	16,203	14.4	7,583	6.7
<b>Muhoroni</b>	61,248	43.4	21,854	15.5	10,428	7.4

<b>Nyando</b>	67,104	44.9	26,699	17.9	12,813	8.6
<b>Nyakach</b>	61,332	43.8	22,286	15.9	10,490	7.5

*Source: Kenya National Bureau of Statistics (2019) 2019 Kenya Population and Housing Census: Volume IV Distribution of Population by Socio-Economic Characteristics, December 2019*

Radio was the popular household asset owned by 65% of households, with households in rural sub counties accounting for a larger share of an average 68.9% (Seme (68.8%, Muhoroni (70.9%), Nyando (65.2%), Nyakach (70.7%)) compared to those in the city sub counties accounting for an average of 61.8% (Kisumu East 58.4%, Kisumu Central (63.8%) and Kisumu West (63.2%)). Other important ICT related assets owned by the households were Computers (9.8%), functional TV (45.1%), Analogue TV (6.5%) and internet (20.0%).

**Table 6: Percentage Distribution of Conventional Households by Ownership of Selected Household Assets by Area of County and Sub County.**

<b>County/sub-county</b>	<b>Stand-alone Radio</b>	<b>Computers/Laptop/ Tablet</b>	<b>Functional TV</b>	<b>Analogue TV</b>	<b>Internet</b>
<b>County</b>	<b>65</b>	<b>9.8</b>	<b>45.1</b>	<b>6.5</b>	<b>20.0</b>
<b>Kisumu East</b>	58.4	11.3	53.8	7.2	23.5
<b>Kisumu Central</b>	63.8	23.6	66.8	9.6	45.7
<b>Kisumu West</b>	63.2	8.9	44.0	6.6	18.5
<b>Seme</b>	68.8	3.5	27.3	4.1	7.3
<b>Muhoroni</b>	70.9	4.0	35.6	5.3	9.9
<b>Nyando</b>	65.2	5.3	36.8	5.6	11.3
<b>Nyakach</b>	70.7	4.2	32.7	5.2	8.6

*Source: Kenya National Bureau of Statistics (2019) 2019 Kenya Population and Housing Census: Volume IV Distribution of Population by Socio-Economic Characteristics, December 2019*



### **1.4.3 - County Legal Context on Access to Information.**

#### **The Kisumu County Tax Waivers Administration Act, 2014**

The Kisumu County Tax Waivers Administration Act, 2014 regulates and administers tax waivers and gives effect to article 210 of the constitution. The Act has compelling provisions on access to information and mandates the CEC Member for Finance and Economic Planning to facilitate proactive disclosure of information on matters related to tax waivers. Section 6 of the Act provides specifically that where the CEC Member intends to waive any tax, he or she shall publish such intention in the gazette not less than fourteen days before the intended date of the waiver.

#### **The Kisumu County Public Participation Act, 2015**

The Kisumu County Public Participation Act, 2015 provides for the framework of public participation in Kisumu County and includes as one of its primary objects; access to information. However, it will suffice to note that this legislation was enacted before the Access to information Act, 2016 (CAP. 7M) and therefore majority of its provisions have so far been rendered moot by the Act of Parliament.

#### **The Kisumu County Climate Change Act, 2020**

This Act provides for a regulatory framework for enhanced response to climate change, mechanisms and measures to achieve low carbon climate development; financial mechanism for implementation of climate change adaptation activities. The Act has an elaborate access to information framework on matters related to Climate Change. Section 52 of the Act mandates the Climate Change Planning Committee and Ward Planning Committees to ensure that the development of any climate change response programme, plan, project or activity in the county is preceded by comprehensive campaign of public sensitization and awareness creation to facilitate informed public participation.

## **The Kisumu County Public Participation Policy, 2024**

The Kisumu County Public Participation Policy, 2024 is the first elaborate effort at addressing access to information as a concept and threshold for public participation. Effectively, the Public Participation Policy has formed a baseline for this Policy and will consequently course the amendment or repeal of the Kisumu County Public Participation Act, 2015.

### **1.2.3 - State of Access to Information in Kisumu County**

Access to information continues to receive a lot of attention in the County Government policies and programs. The government initiatives have led to remarkable improvement in facilitation and promotion of access to information and establishment of relevant services specifically conditioned to foster access to information across the County. This is manifested in increased legislation in this area particularly evidenced by the operationalization of the Kisumu County Public Participation Policy, 2023 and the Kisumu County Public Participation Act, 2015 which were the first attempt in fulfilling the requirements of Article 35 of the Constitution of Kenya, 2010 and the Access to Information Act, 2016 on access to information.

The county government website offers a tone of information about the county that may be very resourceful. Apart from the legislated requisite information that is always gazetted on a timely basis as per their respective laws, the county government goes ahead and publish such information and allow their access on the county website, and at social centers like Mama Grace Ogot social center.

In spite of the tremendous achievements in promoting and facilitating access to information; proactive disclosure of information by public officers in a public and electronically accessible format and mandatory creation of an electronic portal of requesting information from the County Government, still remains a challenge and is characterized by unclear

procedures established to guide requests by the Public and lack of resources to foster such access to information.

### **1.2.5 - Challenges facing Access to Information in Kisumu County.**

#### **Legal and Policy Framework**

Despite the existence of several pieces of legislation on access to information and the Constitutional provision, there is still a lack of proactive facilitation and promotion of access to information. Secondly the County legislations and even some National Legislations highlighted above are not only scattered but also contradict each other in several aspects. The Legal and Policy Framework established within the County have not defined important aspects of access to information including;

- a) who is entitled to access information;
- b) who is responsible for ensuring access to information by the public;
- c) what County Government entities are required to disclose information upon request;
- d) what information is subject to disclosure upon request;
- e) what information is subject to disclosure without request and;
- f) what information is not subject to disclosure.

#### **Coordination, linkages and Partnerships**

Access to information is a mandatory obligation on almost all County government institutions and has been facilitated by these institutions without clear multi-sectoral coordination structures. The Office of Public

Participation mandated to coordinate access to information among the county government entities and stakeholders established pursuant to Section 5 of the Kisumu County Public Participation Act, 2015 is ineffective and has not been fully established due to its lack of legal soundness. As a result, there has been duplication of roles, lack of synergy and inefficient use of resources leading to low quality services.

Moreover, there are several stakeholders in public affairs who would like to promote the right to access of information within the county but lack proper policy framework and legal backing of the county government.

### ***Resources***

Access to information infrastructure within the County have been inadequately resourced in terms of financial, human capital and physical resources. Moreover, there are County Sub-sector disparities in the distribution of resources for the facilitation of information to the public especially in County Government agencies where structures for access to information are not budgeted for at all.

- i. **Financial limitation:** Low budgetary allocation specifically for enhancing access to information, lack of provision of sufficient training of public officers in handling public information as well as limited development of government information network. This is compounded by the inability of the County Government to meet the cost of information distribution services.
- ii. **Physical/Infrastructure facilities:** Most infrastructure established for purposes of access to and transmission of Information within the County Government such as Departmental Information Communications service Centres and customer care Centres are inefficient.
- iii. **Inadequate Sensitization of the Public:** The County Government is unable to carry out efficient sensitization of the

public due to insufficient resources to carry out the sensitization programme.

### **County Information Dissemination Framework**

Kisumu County has created an Information Communications Technology (ICT) forum with a toll free number: 21142, which enable the public to ask questions to all County departments on basic service delivery, financial matters, and other county affairs. The public for instance uses the toll free number to raise concerns regarding development projects and service delivery in relation to allocations from the County Treasury. The platform enables the county government to engage with the public on the policies and public projects that are being implemented and their significance to the common citizens through relevant departments so as to engage the public.

County departments conduct public barazas to enlighten the public on resources that have been allocated to specific community projects so that the people can be ‘watchdogs’ during the implementation period. The County government also uses notice boards that are pinned in the Chief ’s offices and the ward offices. The County is currently establishing Public Complaints Boards in all Wards that will enable the public to launch complaints unanimously and report corruption and mismanagement of County resources.

### **Gaps in Information Dissemination.**

The county government administrative structures are underutilized when it comes to dissemination of information. It is a glaring fact that county governance structure is a low lying fruit that the CGK ought to disseminate information to the lowest levels of governance. The County Administration (Village Units) Act 1 of 2019 as amended in 2021 has among its objectives and purpose; decentralization of the functions and provision of services by the Kisumu County Government; enabling effective participation of the local community in the governance and

development of the village units and enable effective accountability to the local communities in matters affecting them.

### **1.3 - Rationale for Developing the Kisumu County Access to Information Policy.**

The purpose of developing this policy is to align the facilitation and promotion of access to information by Kisumu County Government to the demands of Article 35 of the Constitution of Kenya (2010), the aspirations of the Kenya Vision 2030, the provisions of the Access to Information Act and the requirements of the Sustainable Development Goal Number 16 Target 16.10 which calls for the State to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.

This Policy is also aligned to the global consensus on the freedom of opinion and expression adopted by the Human Rights Council at its 44th regular session which recognized that “public authorities should strive to make information available, whether the information is proactively published electronically or provided upon request...”<sup>22</sup> and recognizes that within the perspective of the 2030 Agenda, access to information is critical for empowering the public to make decisions, holding governments accountable, evaluating public officials in implementing and monitoring the SDGs, and facilitating effective public participation.

This policy addresses the challenges experienced in the implementation of the Access to Information Act, 2015 by providing a coordinated frame of reference for public officers in the facilitation of access to information by the public. In addition, it takes cognizance of the Kisumu County Public Participation Policy, which defines areas where access to information is of

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<sup>22</sup>*Resolution adopted by the Human Rights Council on 16 July 2020*  
[file:///C:/Users/hp/Downloads/A\\_HRC\\_RES\\_44\\_12-EN.pdf](file:///C:/Users/hp/Downloads/A_HRC_RES_44_12-EN.pdf) accessed on 8th Nov. 2023 at 4.30pm.

utmost importance in the facilitation of public participation and the roles of different stakeholders in the promotion of access to information and the protection of the right to information.

The development of this Policy is therefore informed by the need to enhance disclosure and access to information held by the County Government without compromising its operations and data privacy. The Policy is also intended to address the existing policy gaps and harmonize other the County Government policies and legislation governing access and disclosure of information held by the County Government and will form the basis for the Kisumu County Access to Information Legislation. It is expected that full implementation of this Policy and the corresponding Access to Information legislation will increase openness and transparency and improve accountability and public access to information held by the County Government.

## **1.6 - Guiding Principles**

The Access to Information Principles and best practices require that information held by public entities and other relevant bodies should be made accessible to citizens, both individuals and corporate. Experience drawn from countries implementing access to information laws shows that citizens greatly benefit from the provision of public information. This facilitates their interaction with the public bodies and increases their participation in the democratic process and nation building. Public information is a key resource to promote active engagement between the Government and Citizens for inclusive economic growth and overall development of a Country. To ensure optimal implementation of access to information in Kenya, this Policy requires the following principles to guide the implementation of this policy: -

- i. Maximum access to information;
- ii. Clear procedures for making information available;

- iii. Standards on records management;
- iv. Clear exemptions on information disclosure
- v. Safeguarding public interest disclosures; and
- vi. Appeals and complaints mechanism

**i. Maximum access to Information.**

The right to access information is a right that a person has to access information held by public authorities acting on behalf of the County Government. This is an important right for the proper and democratic conduct of government affairs, for this right enables citizens to participate in that governance. For instance, successful and effective public participation in governance largely depends on the citizen's ability to access information held by public authorities. Where they don't know what is happening in their government and or if actions of those in government are hidden from them, citizens may not be able to take meaningful part in their country's governance. Therefore, the right to access information is a foundational right upon which other rights flow. And for citizens to protect their other rights, the right to access information becomes critical for any meaningful and effective participation in the democratic governance of their country.<sup>23</sup>

The importance of this right was fully appreciated by the drafters of our Constitution and they dutifully included Article 35 to make this right attainable as the foundation for an open, responsive, accountable and democratic government and its institutions. The Constitution therefore, grants citizens' access to information as a constitutional right and only the same Constitution can limit that access.

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<sup>23</sup> See *Constitutional Petition 468 of 2017 par. 31*



The Access to Information Act, 2016 acknowledges the right of access to information to citizens. Citizen is defined as persons holding Kenyan citizenship and any private entity that is controlled by one or more Kenyan citizens. In this regard, the right of access to information extends to both natural and juristic persons. The exercise of the right does not depend on the nature of the interest the applicant may or may not have in obtaining the information requested.<sup>24</sup>

- **Duty to Disclose Information**

Under the Constitution, all public entities and private bodies have a duty to disclose information held by them to citizens and general members of the public except those sets of information which are exempt from disclosure as per the law. This duty obligates the County Government to publish and publicize information as widely as possible, especially that which is of significant public interest.

- **Open Data**

Information proactively published, as well as that released in response to requests, shall be made available in machine readable formats that embrace open data principles of openness, interoperability, timeliness, accessibility and inclusivity, without restrictions on its further use and publication. Where applicable, information shall be availed in consideration of linguistic diversity and accessibility to persons with disabilities.

**ii. Clear Procedures for making information available.**

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<sup>24</sup> See *Famy Care Limited v Public Procurement Administrative Review Board & Another* [2012] eKLR where the High Court restricted the concept of citizenship for purposes of access to information to only natural persons. Similarly, in *Nairobi Law Monthly Limited v Kenya Electricity Generating Company & 2 others* [2013] eKLR, the High Court upheld the restrictive interpretation. See also *Nelson O Kadison v Advocates Complaints Commission & another* [2013] eKLR and *Friends of Lake Turkana Trust v Attorney General & 2 others* [2014] eKLR.

- **Proactive Disclosure**

Proactive disclosure of information requires the County Government to make information available to citizens without waiting for requests for such information from them. This principle requires the government to reduce timelines and administrative procedures for access to information upon requests by enabling access to such information before a request is made. The County Government Departments and County entities are expected to disseminate information of relevance, importance and of interest to the public routinely and proactively to the public. Institutions are required to provide a guide sufficient to enable members of the public and Citizens wishing to access information to identify the classes of information held by the Institution, the subjects to which they relate, the location of any indexes to be inspected and whether such information may be subject to exceptions as indicated by the law.

To facilitate maximum disclosure and access to information to widest population of the public, public entities and private bodies are required to disseminate information taking into consideration public interests in information disclosure, the quality and quantity of information disclosed, correct and up-to-date information, the costs of access to such proactively disclosed information, language consideration, access needs by persons with disabilities, the requirement to enhance the information understanding and the most effective method of communication. At a minimum, all County Government institutions implementing access to information are required to facilitate access to information in electronic form in addition to other access methods as appropriate and relevant to the implementing institution's environment.

- **Requests for Information**

All Citizens are entitled to make requests for information from the County Government and private bodies if such information has not been availed by the Institution proactively or through other means. All County Government Departments and entities which receive requests for information are required to process such requests promptly and decisions made thereof communicated to the requester. Within a set period from

receipt of the application, the County Government officer or private body concerned is supposed to grant access to the requested information or, in a written response, state the reasons for total or partial refusal to grant access to the requested information and inform the requester of his or her right to lodge an appeal with the Commission on Administrative Justice.

- **Providing Information**

The County Government will comply with all requests for information in accordance with the appropriate statutory requirements and endeavor to assist Citizens in exercising their right of access to information. Where a decision to grant access to requested information, the County Government shall make information available in any of the following ways: -

- i. A copy of a document or copies thereof;
- ii. Electronic form;
- iii. Inspection of the information; and
- iv. Summary information.

Since the County Government holds information as a custodian for citizens, all information held should be accessible at no cost save to reasonable costs attributable to reproduction or supply of such information as applicable which costs the requester of such information should bear.

- **Transfer of Requests for Information**

Where a request for information is made to any County Government entity or department for access to information and such information is not in the possession of that body but is, to the knowledge of that public body, in the possession of another, or the subject-matter of the information is more closely connected with the functions of another County Government entity than with those of the public body to which the request is made; the public body to which the request is made shall transfer the request to the other public entity within the time specified by the law. The entity to which the

request for information has been transferred to has an obligation to respond to the transferred request promptly as specified in the law and further within the confines of the law.

**v. Standards on Records Management**

The County Government recognizes that the right of access to information is of little use if reliable records are not created in the first place, if they cannot be easily retrieved or cannot be found when needed, or if the arrangements for their eventual archiving or destruction are inadequate. To enable maximum disclosure of information held by the County Government, all County Government institutions shall create and keep records that are accurate, authentic, have integrity and are usable in a manner to allow access to information. Institutions should leverage technology for increased management of information and records including digitization of records and automation of information management systems in line with existing legal framework. Further, institutions and/or Departments are required to provide mechanisms for management of records including their disposal and consequences for illegal or willful destruction of records dealt with in accordance with the law.

**vi. Exemptions on Information Disclosure**

Whereas disclosure of information is the norm, there are categories of information which may need to be protected against potential unauthorized access, misuse, abuse or other unlawful purposes. Such information ought to be exempt from disclosure. Information disclosures in all Institutions therefore should be in conformity with this Policy. The following categories of information shall be exempt from disclosure: -

- a) undermine the stability of the County;
- b) impede the due process of law;
- c) endanger the safety, health or life of any person;

- d) involve the unwarranted invasion of the privacy of an individual, other than the applicant or the person on whose behalf an application has, with proper authority, been made;
- e) substantially prejudices the commercial interests, including intellectual property rights, of that entity or third party from whom information was obtained;
- f) cause substantial harm to the ability of the County Government to manage its economy;
- g) significantly undermine a department's or entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration;
- h) damage the County Government's position in any actual or contemplated legal proceedings; or
- i) infringe professional confidentiality as recognized in law or by the rules of a registered association of a profession.

**vii. Protection of Public Interest Disclosure**

The County Government is committed to ensuring disclosure of information on official wrongdoing in the fight against corruption and other vices in order to enhance efficiency in public service delivery. To achieve this, all County Government institutions will put in place mechanisms that minimize the risk of victimization of persons making disclosures in public interest.

All public service employees are expected to conduct themselves with integrity, impartiality, and honesty. To achieve this, public officers are encouraged to report their concerns about malpractices, illegal acts, and failure to comply with set standards without fear of reprisals or victimization. Public entities and private bodies shall put in place

appropriate protection mechanisms for persons making public interests disclosure including anonymization; protection from retaliation, discrimination, punishment or dismissals; investigations of alleged violation of protection commitments and disciplinary measures.

#### **viii. Access to Information Appeals and Complaints Mechanism**

The County Government departments and entities implementing access to information laws do not have internal review mechanisms in making ATI decisions. This is based on the recognition of the nature of the right of access to information which means that prolonged times in processing information requests may lead to delay in accessing information thus defeating the purpose of information. This has a likelihood of affecting the realization of other fundamental rights. Thus, this Policy creates complaints and appeals mechanisms outside the entities making decisions on ATI. The mechanisms established by this Policy are administrative and judicial mechanisms whereby the administrative review and complaints mechanism is situated within an independent administrative body and the judicial mechanism is in the court system. Hence, to ensure that the right of access is fully realized, an appeal mechanism consisting of administrative review and complaints procedure with an additional possibility of court process is established.

### **1.7 - Policy Objectives**

The objectives of this policy are to: -

- i. strengthen the legal framework to enhance access to information;
- ii. strengthen institutional frameworks for effective implementation of access to information;
- iii. increase public awareness and education on the right of access to information;
- iv. Strengthened openness and transparency of the County Government and

- v. Strengthened accountability of the County Government to its citizens and enhanced democratic participation.

### **1.8 - Scope of Application**

This policy, together with the associated procedures, applies to the management of access to information received and produced by the County Government of Kisumu in the conduct of its constitutional mandates.

The policy applies to all County Government departments, entities and agencies including private persons engaged with the County Government in the fulfillment of its constitutional duties.

### **1.9 - Policy Development Process.**

The Kisumu County Access to Information Policy was developed under the stewardship of the County Government over a period of ..... through an evidence-based and extensive consultative process with stakeholders. These stakeholders included relevant County Government departments, and agencies; constitutional bodies; multilateral and bilateral development partners; and faith-based, private sector, civil society and implementing partners. The definition and development of the policy objectives and orientations was based on a comprehensive and critical analysis of the status, trends, and achievement of the County Government in the facilitation and promotion of Access to Information in the County. The outputs from these processes are available as background information for this policy.

The first draft was prepared after initial consultations at the County level and its entities in 2023, and circulated by the Directorate of

Communications and the Policy Taskforce for their review. The stakeholders' inputs were incorporated in the final policy draft during joint sessions between the Stakeholders that were facilitated by the County Government. The resultant consensus policy document was then presented for consideration by the County Executive Committee and the County Assembly.

## **CHAPTER TWO**



## **2.0 - POLICY STATEMENTS AND STRATEGIES**

This chapter comprehensively outlines policy statements and strategic initiatives focused on advancing the promotion of access to information within the County Government of Kisumu (CGK) and provides guidance to all County Government organs and entities. It addresses key policy areas related to issues affecting promotion of access to information which are categorized as follows:

1. Disclosure of information
2. Access to information application process;
3. Protected Disclosures (Protection of whistleblowers)
4. Processing of information requests and response timelines
5. Strengthening of Institutional Capacity to facilitate Access to Information.

### **2.1 Disclosure of Information**

The Constitution of Kenya, 2010 read together with the Access to Information Act, 2016 mandates the County Government to ensure that information concerning its activities is made publicly available, subject to the limitations set by the Constitution. Proactive disclosure of information therefore requires the County Government to administratively and as a matter of course release information to the public, without the necessity of formal applications.

#### **Goal**

The Goal of the Disclosure of Information Policy Measure is to provide procedures and define clear categories of information according to their status with regards to public disclosure which does not require formal applications.

### **Policy Statement**

The County Government will ensure that Information held by its Departments and Entities is made available to the Public primarily through the County Government website, Sub-County Offices and Ward Offices and webpages of Kisumu County Government hosted-partnerships.

### **Policy Strategies.**

The County Government is committed to open and transparent disclosure of information. Nevertheless, the Government recognizes that there are legal, operational and other practical considerations that are necessary to preserve the interests of the Government, as well as those of its staff, the Public and third parties with which the County Government collaborates. The application of these considerations has resulted in some exceptions to the principle of disclosure. As such, to implement this Policy, the County Government information is classified by reference to three broad categories and adopts the following strategies on each category to fulfill the disclosure principle: -

- a) **Publicly available information:** The Government will provide information in table 1.0 relating to the County Government's functions, operations and responsibilities and will be made available and accessed from the County Government's website <https://www.kisumu.go.ke/>. Information that is not available on/through the website will be made available to the public upon request.

### **Table 1.0 – Government information available to the Public.**

S/No	County Process	Documents available to the Public
1.	Planning and Budgeting	<ul style="list-style-type: none"> <li>- Integrated development plans (CIDP), Spatial plans, Sector plans, Annual development plan (ADP)</li> <li>- Budget review and outlook papers (CBROP), Fiscal strategy paper (CFSP)</li> <li>- Budget circular, budget estimates and a simplified citizen's budget</li> <li>- Supplementary Budgets</li> </ul>
2.	Implementation	<ul style="list-style-type: none"> <li>- County procurement plans</li> <li>- Tender documents</li> <li>- Tender results including final contract award</li> <li>- Performance Contracts</li> <li>- Performance Management Plans</li> <li>- County legislations and regulations.</li> </ul>
3.	Monitoring and Evaluation	<ul style="list-style-type: none"> <li>- Quarterly Implementation Reports</li> <li>- Quarterly and annual reports (financial and non-financial)</li> <li>- Periodic performance appraisal/evaluation</li> </ul>
4.	Evaluation and Review	<ul style="list-style-type: none"> <li>- Office of the Auditor General's Reports and corrective measures adopted by the county</li> <li>- Mid and final review of CIDP implementation</li> <li>- County Assembly Committee and House reports</li> </ul>

b) **Information available on request:** The County Government will disclose certain types of information not available on its website and not classified as confidential on request only. In some cases,

limitations may apply with regard to the types of requestor to whom information will be made available. This type of information will include:

- i. the County Government's internal audit reports addressed to senior management;
- ii. reports on due diligence on non-state actors; and
- iii. County Executive Committee minutes
- iv. Memorandum of Understanding and bilateral agreements.

In addition, restrictions (e.g. redaction of content) or conditions may be applied to the use of information available on request depending on the requestor.

- c) **Confidential information:** The County Government may not disclose Information identified as confidential by the County Government described in Table 1.1 and any confidential information will constitute an exception to the principle of public disclosure.

The exceptions to disclosure reflect what is necessary to preserve legitimate public or private (including personal privacy) interests. Decisions and resolutions of the County Executive Committee or Boards of various County Government entities, may contain information disclosure limitations.

### **Table 1.1 – Categories of Confidential Information**

S/NO.	CATEGORY	POLICY DIRECTION
1.	<b>Personal Information</b>	<p>The County Government will not provide access under this Policy to information and documentation pertaining to either staff members or non-staff members performing County Government work, including:</p> <ul style="list-style-type: none"> <li>• Private and employment-related information, including human resources records, medical records and benefits, personal communications;</li> <li>• Personal information received from individuals performing work for the County including technical and scientific experts;</li> <li>• Information on claims and internal conflict resolution proceedings;</li> <li>• Information about investigations of allegations of misconduct (other than as reported to the County Government).</li> </ul>
2.	<b>Security and Safety</b>	<p>The County Government will not disclose:</p> <ul style="list-style-type: none"> <li>• Information, the disclosure of which may endanger the life, health, safety or security of any individual, or</li> <li>• Information, the disclosure of which may violate the rights of any individual or to invade his or her privacy;</li> <li>• Information, the disclosure of which may endanger the security of the public or prejudice the security or proper conduct of any operation or activity of the Government;</li> </ul>

		<ul style="list-style-type: none"> <li>• Information, the disclosure of which may compromise the security and safety of any organization (or its personnel) with which the County Government collaborates;</li> <li>• Information, the disclosure of which may compromise the security and safety of any non-State Actor (or its personnel) with which both the National and County Governments collaborates;</li> <li>• Information, the disclosure of which may jeopardize County Government property;</li> <li>• Information about logistical and transport arrangements related to Government shipments of its property and documents and the shipment of staff members' personal effects.</li> </ul>
3.	<b>Information obtained or shared in confidence</b>	<p>The County Government will not disclose:</p> <ul style="list-style-type: none"> <li>• Information received from or sent to Government organs or third parties under an expectation of confidentiality;</li> <li>• Information obtained in confidence from the Government, international organizations or other entity or person that would or would be likely to, if disclosed, compromise the County Government's relations with that party.</li> </ul>
4.	<b>Confidential Internal Documents</b>	<p>The County Government will not disclose:</p> <ul style="list-style-type: none"> <li>• Internal email correspondence;</li> <li>• Internal reports, analyses, reviews, notes for the record of internal meetings or meetings with third</li> </ul>

		<p>parties, statistics prepared solely to inform County Government’s internal decision-making processes;</p> <ul style="list-style-type: none"> <li>• Internal policy, guidelines, standard operating procedures, unless otherwise decided;</li> <li>• Internal telephone directories;</li> <li>• Information pertaining to corporate administrative matters.</li> </ul>
5.	<b>Privileged Information</b>	<p>The County Government will not disclose:</p> <ul style="list-style-type: none"> <li>• Information covered by legal privilege, or the disclosure of which may expose the Government to legal risk;</li> <li>• Legal advice and requests for legal advice;</li> <li>• Information related to due process rights of individuals involved in internal audits and investigations<sup>25</sup>;</li> <li>• Requests for ethics advice addressed to, and ethics advice provided by, the Office of the County Attorney or Committee related to matters of Compliance Risk Management and Ethics (CRE).</li> </ul>
6.	<b>Other Information</b>	<p>The County Government will not disclose:</p> <ul style="list-style-type: none"> <li>• Any Other kinds of information, which because of its nature, content or the circumstances surrounding its creation, use or communication is</li> </ul>

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<sup>25</sup> However, summarized information relating to internal audits and investigations is publicly disclosed to the competent governing body

		<p>deemed confidential in the interests of the County Government or third parties;</p> <ul style="list-style-type: none"> <li>● Passwords, pins and other access codes for County Government systems.</li> </ul>
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## 2.2 Access to Information Application Process.

In remedying the limitations that may inhibit proactive disclosure of information and to fulfill the County Government’s role in facilitating and promoting access to information, it is necessary that Citizens are provided with avenues for direct application to the County Government for information not availed to the Public in the County Government website or in any public forum.

### Goal

The overall objective of the access to information application process is to ensure that information not made available to the public are availed timeously upon request by any citizen in a language and form that can be understood by the citizen.

### Policy Statement

The County Government commits to avail information not availed to the public upon request in a form and language understood by a requester.

### Policy Strategy.

To implement this Policy, the County Government will adopt the following strategies.

The County Government will;

- a) Establish an Access to Information Office which shall be responsible for the management of received and respond to access to information applications;



- b) Establish and maintain customer service Centres/ customer care desks in all its departments, agencies and entities; as first point of contact for those who require information. The Customer Care Desks will further assist requestors who are unable to make a written request due to illiteracy or disability and shall take the necessary steps to ensure that the requestor makes the request in a manner that meets his/her needs.
- c) Adopt a prescribed form provided for in Appendix I for application for request to access information.
- d) Provide assistance to persons with disabilities to request for and access information depending on their needs.

### **2.3 Processing of requests to access information and response timelines.**

#### **Goal**

The purpose of this Policy measure is to set out the procedures for handling access to information requests in accordance with the Constitution, Access to Information Act, 2016 or any other Applicable Access and Privacy Legislations.

#### **Policy Statement.**

The County Government will set out procedures for handling access to information requests from the County Government.

#### **Policy Strategy**

In order to implement this Policy, the County Government will require that:

- i. All requests to access Information are addressed to the Director for the time being responsible for Communication or emailed

through; [info@kisumu.go.ke](mailto:info@kisumu.go.ke). Requests may also be hand delivered to the office of the Director.

- ii. The Director will record the details of requested information in the County's Request to Access Information Register within 24 hours upon the receipt of the request for information application;
- iii. All Access to Information requests must be submitted in writing either in Kiswahili or English, in the event that the applicant is unable to read and write, or due to disability, the applicant is allowed to make oral requests. The receiving officer is required to put down the oral request in writing and make two copies where one will be handed to the applicant.
- iv. The Director shall acknowledge receipt of the request for information within two (2) days and advise the applicant how to access the request to access information form and guide on how to fill it;
- v. The Director shall process urgent requests to the County Government within 48 hours upon receipt;
- vi. The Director shall process ordinary requests and notify the applicant within fifteen working days in accordance with Section 11 of the Access to Information Act (No. 31 of 2016);
- vii. If it is not possible to handle a request within the above time limits, the Director shall inform the Requestor of the reason why the County Government needs more time and the estimated date for communicating the information concerned;
- viii. Request for Access to Information that is considered as confidential in nature, must be approved by the Chief Officer for the time being responsible for Communication before the disclosure of confidential information; and the Requestor will be

required to sign the confidentiality form before the information is disclosed.

- ix. If the requestor is dissatisfied with information provided, he/she can appeal to Commission on Administrative Justice (Office of the Ombudsman), who would be able to conduct investigations and make decision or conclusion. The decision made by Office of Ombudsman would be binding;
- x. The Director shall prepare a report and submit to the Commission on Administrative Justice (Office of the Ombudsman) on a quarterly basis using the prescribed forms from CAJ.

## **2.3 - Protected Disclosures (Protection of whistleblowers)**

### **Goal**

The purpose of this Policy is to promote public interest by facilitating the disclosure and timely investigation of serious wrongdoing within the County Government; and by protecting the people who disclose in accordance with this policy and relevant law.

### **Policy Statement**

A whistleblower is entitled to protection under this Policy for a protected disclosure as follows:

1. the receiver must use their best endeavors to keep the whistleblower's identity confidential except if;
  - a) the whistleblower consents to the release of the identifying information; or
  - b) there are reasonable grounds to believe that the release of the identifying information is essential—
    - i. for the effective investigation of the disclosure; or

- ii. to prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment; or
  - iii. to comply with the principles of natural justice; or
  - iv. to facilitate an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.
2. there will be no retaliation against the whistleblower's employment and
3. the whistleblower (and their relatives and associates) will not be treated less favorably;
4. the whistleblower will be accorded an immunity for the disclosure in any disciplinary proceedings;
5. A person who discloses information in support of, or relating to, a protected disclosure is also entitled to protection under this Policy.

### **Policy Strategy**

Within 21 working days of receiving a protected disclosure, the receiver of the disclosure will —

#### *Acknowledge receipt*

- (a) acknowledge to the whistleblower the date the disclosure was received (and, if the disclosure was made orally, summarize the receiver's understanding of the disclosure); and

*Consider*

(b) consider the disclosure and whether it warrants investigation;  
and

*Check*

(c) check with the discloser whether the disclosure has been made elsewhere (and any outcome); and

*Deal with*

(d) deal with the matter by doing 1 or more of the following:

- i. investigating the disclosure:
- ii. addressing any serious wrongdoing by acting or recommending action:
- iii. deciding that no action is required; and

*Inform discloser (with reasons)*

(e) inform the whistleblower (with reasons) about what the receiver has done or is doing to deal with the matter in accordance with paragraph (d).

However, when it is impracticable to complete these actions within 21 working days, the receiver should do the actions described in (a) and (c) above within 21 working days and then should—

*Inform whistleblower*

(a) inform the discloser how long the receiver expects to take to deal with the matter; and

*Update*

(b) appropriately update the discloser about progress; and

*Deal with*

(c) deal with the matter as described in paragraph (d) above; and

*Inform discloser (with reasons)*

(d) inform the discloser (with reasons) about what the receiver has done or is doing to deal with the matter in accordance with paragraph (d).

## **2.4 - Strengthening of Institutional Capacity to facilitate Access to Information.**

The Kisumu County Public Participation Policy, 2024 has established elaborate institutional framework for the facilitation and coordination of public participation that are intended to aids access to information in the governance of the county in order to communicate and disseminate information to the public; and to give the public opportunities to access information on matters that affect their lives including county policies, plans and budgets, the delivery of services and administration.

### **Goal**

The goal of this Policy is to operationalize and strengthen the access to structures created under the Access to Information Act, 2016 and building institutional capacity for effective access to information.

### **Policy Statement.**

The County Government will establish a coordinated and integrated institutional capacity building of access to information structures at all levels within the County.

### **Policy Strategies.**

The County Government in collaboration with non-state actors will:

- i. Operationalize and strengthen access to information structures and mechanisms including office of communication, public participation and citizen fora at all levels;
- ii. Conduct capacity needs assessment of the access to information structures at county and decentralized unit levels;
- iii. Develop and implement county access to information capacity building strategy for the mandated county institutions;
- iv. Adequately equip the county public participation structures including communication offices, multi-stakeholder committees, technical working groups, taskforces and/or panels and citizen forums etc.
- v. Establish and build capacity of performance management framework for access to information at various levels within the County.

## **CHAPTER THREE**

### **3.0 POLICY IMPLEMENTATION FRAMEWORK**

#### **3.1 Introduction**

Kisumu County Access to Information (ATI) Policy has an elaborate implementation framework involving all county departments and sectors. The implementation framework plays a pivotal role in ensuring that the goals of the policy are realized in a systematic and efficient manner regardless of the political environment that surrounds it.

In implementing this policy a multifaceted approach will be employed while focusing on stakeholder engagement, defining roles and responsibilities, giving achievable timelines, resource mobilization, capacity building, M&E, creating awareness, compliance and enforcement, risk management and review.

To ensure accountability and efficient coordination, roles and responsibilities of various departments and officers involved in the policy's execution are well defined while setting realistic timelines for different phases of implementation, ensuring that objectives are achieved incrementally over specific periods.

The Department in charge of Access to information will determine the necessary budget, human resources, and infrastructure required to support this policy implementation. This involves allocating resources efficiently to various access to information initiatives envisioned and implementing even the most complexities of this policy. Necessary planning for training and capacity-building programs for the staff need to be done to equip them with the necessary skills and knowledge to work in alignment with the policy.



This implementation framework provides a structured and systematic approach to translate the policy's vision into practical actions that benefit the residents of Kisumu County. By following this framework, the county government can ensure that resources are effectively managed, services are delivered efficiently, and the digital transformation of the county aligns with the policy's objectives and guidelines.

### 3.2 : Policy Dissemination

One challenge that most policies face is inadequate dissemination. In a bid to create awareness to the principles set forth, conditions and terms of this policy. A comprehensive policy dissemination framework for the policy in Kisumu County is essential for ensuring that the policy's objectives are understood and followed throughout.

With the target subject to this policy being both staff and the citizens the strategy for dissemination is two way. The primary benefactor shall be anyone who interacts with the citizen first hand for instance the Directorate of Public Participation and of course the Directorate of Communication is meant to roll out the implementation of this policy. Others include; CGK staff, stakeholders, and citizens.

The popular version and the detailed version of this policy will be freely available on the county website. Moreover, copies of the policy booklet will be distributed to departments throughout the County. Communication about the policy areas and conditions affecting county staff will be communicated through staff emails and internal memos.

The Directorate of Communication will disseminate the policy through available tools of dissemination, such as policy documents, presentations, videos, and online resources.

The Directorate will also outline any training programs or workshops designed to educate employees and stakeholders about the policy based

on availability of resources. For this policy to be implemented properly, proper dissemination is to be done within the first 3 months of rolling out the policy with the responsible Directorates in conjunction with various departments, officers, or teams involved in policy dissemination.

### **3.3 - Institutional Implementation Framework**

This Policy will be accompanied with a costed implementations plan both in the Executive and the County Assembly. Overall, the Office of Communication will oversee the implementation of the Policy. To ensure effective oversight, facilitation and coordination of the policy implementation, the Directorate of Communication shall decentralize its services to the ward level.

The Policy will be implemented through an integrated, coordinated and consultative process involving various actors at the county, sub county, ward, city and urban areas and village levels to ensure both vertical and horizontal integration. In addition, a wide range of non- state actors including civil society organizations (CSOs), non-governmental organizations (NGOs), Faith Based Organizations (FBOs) and community based organizations (CBOs), together with development partners are envisaged to play crucial roles in the policy implementation.

## Roles and Responsibilities of Stakeholders.

Components	Action Steps	Responsible Entities	Timeline	Success Indicators
Legal and Regulatory Foundation	Conduct a legal review to ensure alignment with the Access to Information Act and other relevant national laws.	Legal Department	Q1 - Q2	Updated policies and procedures consistent with current legislations and policies on access to information.
	Regularly update policies in response to changes in legislation.	Legal Department	Ongoing	Timely updates to policies reflecting legal modifications.
Capacity Building	Organize training sessions for public officers on ATI principles, legal obligations, and ethical considerations.	Human Resource Department	Q2 - Q3	Trained public officers with enhanced understanding of ATI principles.
	Develop training programs for citizens on their right to access information and the procedures involved.	Directorate of Communications and Directorate of Public Participation	Q3 - Q4	Increased public awareness and understanding of ATI rights and procedures.
Institutional Coordination	Designate or establish an Access to Information Office for coordinating and overseeing ATI implementation.	Directorate of Communications	Q1	Functional Access to Information Office established.

	Foster collaboration among county departments to ensure a unified approach to information disclosure.	Directorate of Communications	Ongoing	Improved coordination and consistency across departments in ATI implementation.
Proactive Disclosure Mechanisms	Implement a systematic approach for proactively disclosing relevant information through various channels.	Directorate of Communications	Q2 - Q3	Increased frequency and efficiency of proactive information disclosure.
	Define categories of information for proactive disclosure without the need for formal requests.	Directorate of Communications	Q2	Clearly defined categories of information for proactive disclosure.
Information Request Processing	Develop standardized procedures for receiving, processing, and responding to information requests within timelines.	Directorate of Communications	Q2	Efficient and transparent information request processing system in place.
	Establish a user-friendly online platform for citizens to submit requests and track their status.	Directorate of ICT	Q3 - Q4	Functional online platform with enhanced accessibility for citizens.
Whistleblower Protection	Institute mechanisms to protect whistleblowers reporting wrongdoing within the county.	County Secretary	Q3	Established mechanisms ensuring confidentiality and protection for whistleblowers.

	Provide clear channels for reporting concerns and ensure protection against retaliation.	Directorate of Communications and Directorate of Public Participation	Ongoing	Increased reporting of concerns and a culture of transparency.
Accessibility for Persons with Disabilities	Ensure information is provided in accessible formats and employ technologies for inclusivity.	Directorate in charge of Special Needs	Q2	Enhanced accessibility features in information dissemination.
	Conduct regular accessibility assessments in collaboration with disability organizations.	Directorate in charge of Special Needs	Ongoing	Identified and addressed accessibility challenges for persons with disabilities.
Monitoring and Evaluation	Establish a monitoring and evaluation system to assess ATI implementation effectiveness.	Monitoring and Evaluation Department	Q4	Functional monitoring system with clear evaluation criteria.
	Solicit feedback from citizens through surveys, focus groups, and engagement mechanisms.	Directorate of Communications and Directorate of Public Participation	Ongoing	Regular feedback loops and evidence of continuous improvement.
Public Awareness and Education	Conduct sustained awareness campaigns using diverse channels to educate the public.	Directorate of Communications and Directorate of Public Participation	Ongoing	Increased public awareness and understanding of ATI rights.

	Collaborate with local media outlets, community organizations, and educational institutions.	Directorate of Communications and Directorate of Public Participation	Ongoing	Amplified awareness efforts through strategic collaborations.
Review and Adaptation	Periodically review the ATI implementation framework, considering legal developments and community needs.	Directorate of Communications	Bi-annual	Updated framework reflecting legal and community-specific changes.
	Conduct adaptability assessments to ensure ongoing relevance and effectiveness.	Directorate of Communications	Ongoing	Evidence of adaptability in response to changing circumstances.

### **3.4 Monitoring and Evaluation**

Access to information needs an elaborate structure for monitoring and evaluation. The M&E framework will ensure the policy's effectiveness and identify areas that require improvement. The objective of M&E with regard to this policy is not only to ensure standards and best practices are adhered to but to ensure full implementation of this policy. The Directorate will Identify a set of KPIs that will be used to assess the policy's performance. These KPIs should be linked to the policy focus areas described in Chapter 2.

Data from the tools used in evaluation as per the matrix shall be one of the key sources for data collection. In addition, surveys, interviews, community engagement meetings, and reports from various departments and units will provide data for further monitoring and evaluating. The Directorate of Monitoring and Evaluation will be responsible for data collection, analysis, and reporting. Assign clear accountability for each aspect of the M&E process.

This framework will systematically monitor and evaluate the implementation of the policy, ensuring its effectiveness and providing valuable insights for ongoing improvement. It's important to involve all relevant stakeholders in this process to ensure that it's comprehensive and aligned with this policy goals.

### **3.5 Policy Review**

This Policy shall be reviewed from time to time to ensure that it remains relevant to changing County and National demands in provision of access to information services. The reviews shall incorporate emerging issues and trends.





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**APPENDICES**

**Appendix I.**



**KISUMU COUNTY GOVERNMENT  
ACCESS TO INFORMATION REQUEST FORM**

**APPLICANT**

Name .....ID/Passport .....

Kenyan Citizen YES  NO

Contact details

**P.O Box** .....**Tel:**.....

Email address.....

Information Requested .....

.....

.....

.....

Reasons for the request.....

.....

.....

.....

.....

Does the information concern the life or liberty of a person –

YES  / NO

If yes provide details .....

.....

.....

How would you prefer to be informed of the decision regarding your request for access to the record?

In writing;

YES  / NO

If yes provide sufficient language;

English  / Kiswahili  / Braille

Orally

Applicant signature .....

Date .....

**For Official Use only:**

Received by the Information Access Officer

On.....day of.....20.....