



Kenya Law Reform Commission

ACCESS TO INFORMATION GUIDELINES

2019

Part I: Preamble

The Kenya Law Reform Commission is established under the Kenya Law Reform Commission Act, No 19 of 2013. The functions of the Commission are set out in section 6 of the Kenya Law Reform Commission Act, 2013. According to this provision, the Commission is required to among other things:

- (a.) Keep under review all the law and recommend its reform to ensure:
 - (i) That the law conforms to the letter and spirit of the Constitution;
 - (ii) That the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost-effective in application; and
 - (iii) The respect for the observance of treaty obligations in relations to international instruments that constitute part of the law of Kenya by virtue of article 2(5) and (6) of the Constitution;
- (b.) Work with the Office of the Attorney General and the Department of Justice in preparing for tabling in Parliament, the Legislation and administrative procedures required to implement the Constitution;
- (c.) Provide advice, technical assistance and information to the National and County governments with regards to the reform or amendment of a branch of the law;
- (d.) Formulate by means of draft Bills or otherwise, any proposal for reform of National or County government legislation; and
- (e.) Advise the National or County governments of the review and reform of their legislation.
- (f.) The Commission may also perform such other function as may be prescribed by the Constitution, The KLRC Act or any other written law.

Part II: Information Access Officer

The Secretary/Chief Executive Officer
The Kenya Law Reform Commission
P.O Box 34999-00100
Nairobi
Email: info@klrc.go.ke
Tel: 0799030 716

Part III: Procedure for Request for Information

1. Any person whether natural or legal who requires information from the Commission shall make a request to the Information Access Officer in the prescribed form annex I.
2. The request shall be made in either English or Kiswahili. Where due to any disability the Applicant is unable to write, the Information Access Officer will reduce the request into written form on their behalf, and provide them with a copy of the request.
3. The Information Access Officer shall within twenty-one days of receipt of the request make a decision on whether to grant or deny the request. The outcome will be communicated to the Applicant as soon as the decision is made. The response shall provide information on:
 - (a.) Whether or not the Commission holds the information sought;
 - (b.) Whether the request for information is approved;

- (c.) if the request is declined the reasons for making that decision, including the basis for deciding that the information sought is exempt, unless the reasons themselves would be exempt information; and
 - (d.) If the request is declined, a statement about how the Applicant may appeal to the Commission on Administrative Justice;
- 4. Where the request has been granted, a written response shall be sent to the Applicant within 15 working days advising:
 - a. that the application has been granted;
 - b. that the information will be contained in an edited copy, where applicable;
 - c. the details of any fees or further fees to be paid for access, together with the calculations made to arrive at the amount of the fee;
 - d. the method of payment of such fees, if any;
 - e. the proposed process of accessing the information once the payment if any is made; and
 - f. that an appeal may be made to the Commission in respect of the amount of fees required or the form of access proposed to be provided.
- 5. Information will be provided to the Applicant within 14 days of the date of communication of grant of the request.
- 6. Where the information sought concerns life or liberty of a person the information shall be provided within 48 hours. The time for provision of the information may be extended for not more than 14 days where the request involves provision of large amounts of information or consultation is necessary.
- 7. The Commission may charge a nominal fee for provision of the information. Once payment has been made the information will be provided within two working days.
- 8. The Commission may transfer a request for information to another entity where the requested information is not within the possession of the Commission. The Applicant will be informed within seven days of the transfer.

Part IV: Exceptions to Access to Information

The exceptions as provided in Section 6 (1) of the Access to Information Act, 2016, being any information, whose disclosure is likely to:

- (a) Undermine the national security of Kenya;
- (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 prejudice 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 Government to manage the economy of Kenya;

- (g) significantly undermine a public or private 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 a public entity'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.

Part V: Proactive Information disclosure

The Commission will proactively make available all the information provided for in Section 5 of the Access to Information Act, 2016.

Part VI: Review of Decisions

An Applicant has the right to apply for a review by the Commission on Administrative Justice for any of the following decisions by the Commission in relation to a request for information:

- (a) a decision refusing to grant access to the information applied for;
- (b) a decision granting access to information in edited form;
- (c) a decision purporting to grant access, but not actually granting the access in accordance with an application;
- (d) a decision to defer providing the access to information;
- (e) a decision relating to imposition of a fee or the amount of the fee;
- (f) a decision relating to the remission of a prescribed application fee;
- (g) a decision to grant access to information only to a specified person; or
- (h) a decision refusing to correct, update or annotate a record of personal information in accordance with an application made under section 13.

The application must be made in accordance with section 14 of the Access to Information Act, 2016.

ANNEX I

THE KENYA LAW REFORM COMMISSION

ACCESS TO INFORMATION REQUEST FORM

APPLICANT

Name Kenyan Citizen YES NO

Contact details P.O Box.....Tel:.....

Email address.....

Information Requested

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Reasons for the request.....

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Does the information concern the life or liberty of a person – YES/NO

If yes provide details

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Applicant signature Date

For Official Use:

Received by the Information Access Officer on.....day of.....20.....