

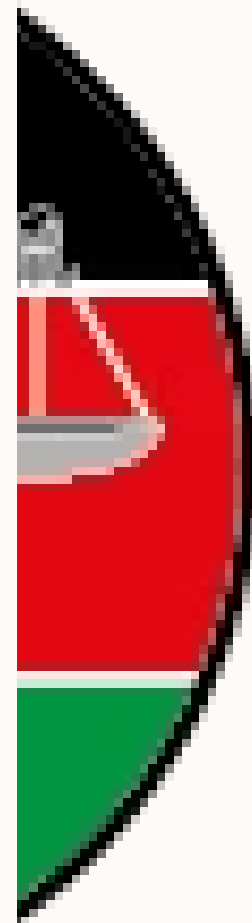
# Access to Information and Special Interest Groups: The Kenyan Oversight Perspective

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# Key Kenyan ATI Enablers for Information Access by Vulnerable Groups

Kenya's Access to Information framework provides multiple pathways for special interest groups and vulnerable populations to access critical government information and services.



These enablers create a comprehensive ecosystem ensuring equitable access to information across all segments of Kenyan society, particularly for those who have historically faced barriers.

# Enhanced Universal Information Access

## Proactive Disclosure

Information made easily accessible, cost-free, and available to anyone, anywhere. Government institutions must publish key information without waiting for requests.

## Equal Opportunity Access

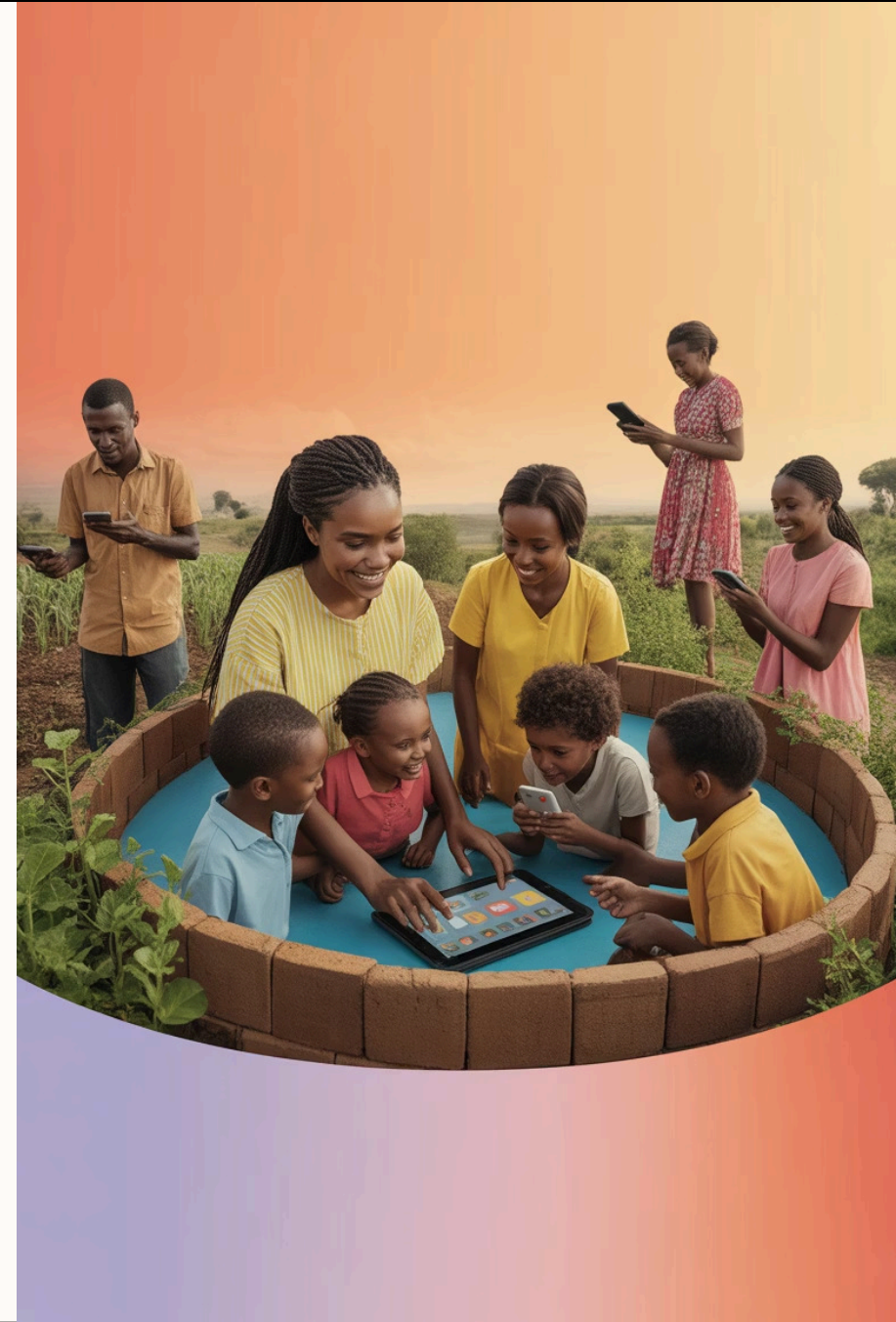
Transparent access to government jobs, procurement tenders, and public opportunities ensures fair competition for all citizens, including vulnerable groups.

## Local Community Settings

Information disseminated through public forums, local media, community notice boards, and grassroots channels to reach every citizen.

## Enhanced Capacity Building

CAJ trains government officers to exceed minimum disclosure obligations, ensuring comprehensive information access for all citizens.





# Mainstreamed Information Disclosure

01

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## Devolution Framework

County Governments Act mandates extensive information disclosures at devolved units, bringing transparency directly to grassroots level and local communities.

02

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## Customized County Laws

Each county must develop tailored ATI legislation, creating specific provisions that enhance access for vulnerable groups and special interest populations.

03

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## Presidential Leadership

Executive Order No. 2 of 2018 demonstrates top-level commitment by mandating public procurement information disclosure across all government entities.





# PWDs Compliance Framework

## Accessibility Requirements

- Documents provided in formats matching specific PWD requestor needs
- Institutional responsibility for compliance costs including braille production
- Service charters available in braille and multiple local languages
- Broadcasting stations equipped with sign language interpreters

## Digital Accessibility

Government websites increasingly comply with Web Content Accessibility Guidelines, providing text alternatives for images, multimedia captions, and compatibility with assistive technologies.





# Reserved Opportunities for Special Interest Groups

## 30%

### Procurement Allocation

Minimum budgetary allocation for enterprises owned by women, youth, PWDs, and disadvantaged groups under PPAD Act 2015

#### Compliance Reporting

Both institutions and PPRA must report on compliance as part of proactive disclosure obligations, ensuring transparency in implementation.

#### AGPO Program

Access to Government Procurement Opportunities dedicated program enhances information access and procurement opportunities for special interest groups.

Learn more: <https://agpo.go.ke/pages/about-agpo>



# Citizen Definition Advantage

1

## Natural and Juristic Persons

Broad citizen definition includes both individuals and legal entities, enabling comprehensive access rights.

2

## Group Empowerment

Juristic person status enables group ATI requests, collective actions, and organized advocacy efforts by civil society organizations.

3

## Protection from Victimization

Group structure helps overcome individual harassment, discrimination, and victimization that vulnerable persons might face.



**Legal Precedent:** Katiba Institute vs. Presidential Delivery Unit established that private bodies (NGOs/CSOs/CBOs/FBOs/SIGs) with Kenyan directors qualify as citizens under ATI law.



# ATI Application to Special Interest Groups



The ATI framework provides vulnerable groups with powerful tools for accessing information, holding government accountable, and securing their rights through transparent processes.



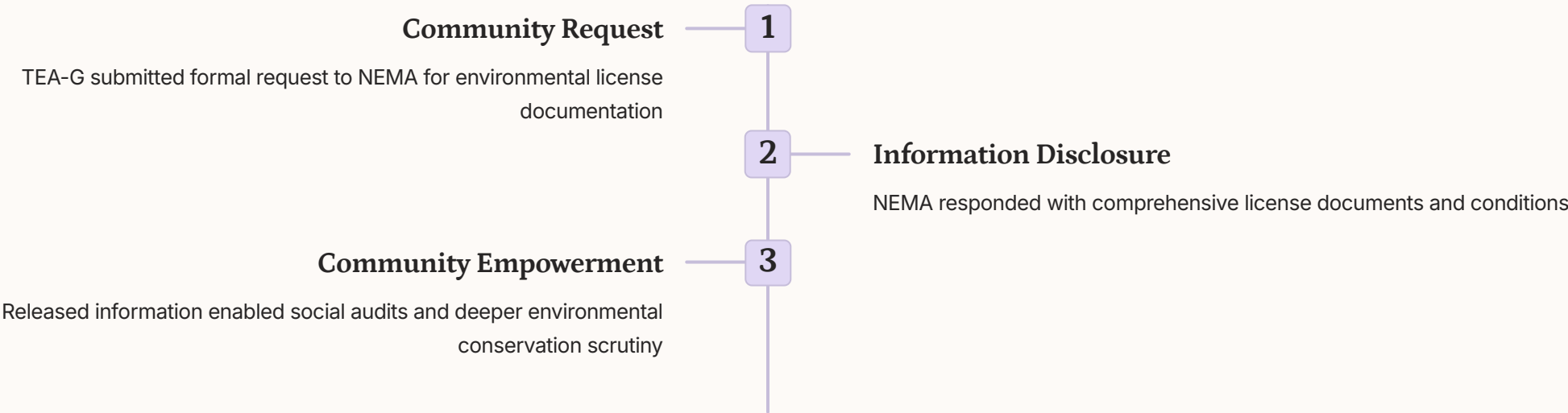
These mechanisms ensure that special interest groups can effectively navigate government systems and access the information they need for advocacy and service delivery.





# Community Action on Environmental Issues

A review from Turkana Empowerment Advocacy Group (TEA-G) addressed to NEMA requesting license conditions for Twiga 1 hazardous holding site within South Lokichar basin demonstrates the power of community-driven information access.





# Correcting Personal Information for Equal Opportunities



## Academic Records

Missing examination marks at universities and colleges corrected through ATI interventions, removing barriers to employment for graduates.



## Identity Documentation

Corrections to birth records and national IDs ensure accurate personal information for accessing opportunities.



## Integrity Verification

Updates to HELB loan status, tax compliance, CRB status, professional body standings, and DCI certificates of good conduct.

Incorrect and outdated information disproportionately affects youth and job seekers, creating barriers to employment and economic opportunities.

# Case Study: Missing Examination Marks

## The Problem

KNEC failed to update missing marks on a Higher Diploma in Resource Management transcript, blocking job opportunities for years.

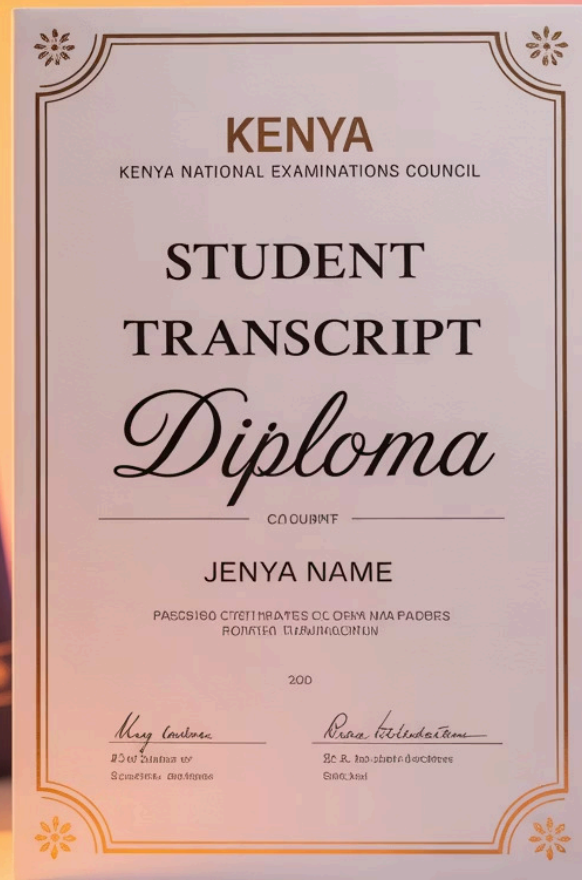
## Commission Intervention

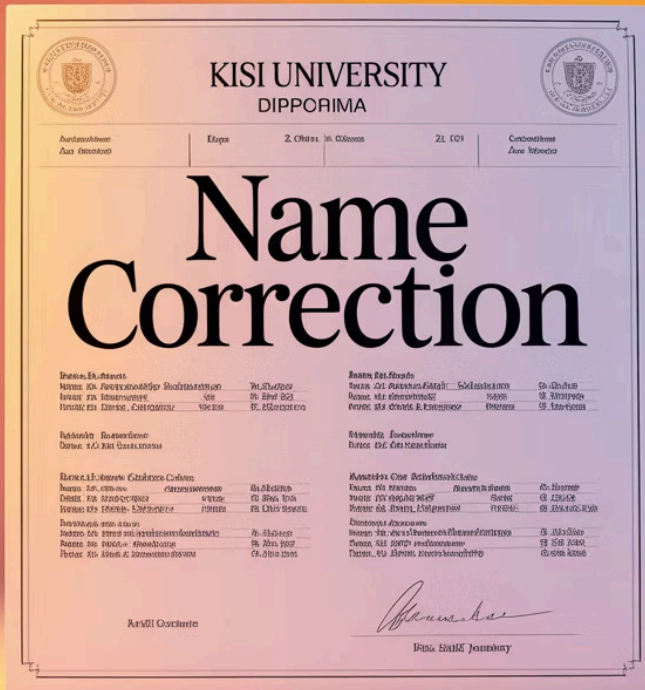
CAJ intervention in March 2025 compelled KNEC to address the missing marks and update records.

## Successful Resolution

KNEC issued updated results slip, enabling the applicant to pursue employment opportunities after years of waiting.

- ❑ While KNEC has established frameworks for updating information, many applicants require ATI assistance to navigate the system effectively.



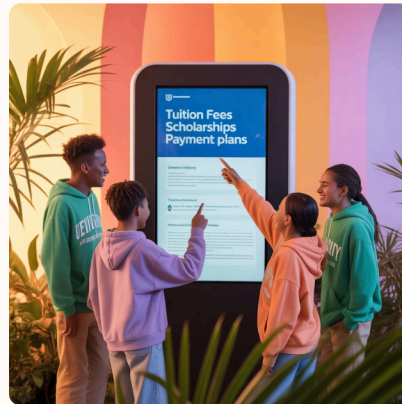




# Access to College Fee Breakdown

## Student Rights

Students at Nairobi Technical Training Institute successfully obtained critical financial information through ATI processes.



## Information Requested

- Detailed breakdown of semester fees structure
- Confirmation of government capital grants received
- Explanation of discrepancies between allocated funds and college accounts

## Outcome

Commission intervention resulted in full disclosure, enabling students to understand capitation allocation and fee structures, promoting financial transparency in education.

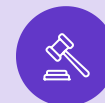


# Oversight by the Commission



## Accessible Review Process

ATI review procedures are free, easy to access, flexible, and fast, ensuring no citizen is excluded from seeking redress.



## Quasi-Judicial Authority

Commission decisions and orders carry full legal weight and are binding on all parties involved.



## High Court Enforcement

Decisions are enforceable by the High Court after adoption, carrying the same authority as court judgments.

# Practical Oversight: Compliance Circulars

1

## **Circular No. 1/2019/ATI**

Mandatory guidance to all institutions on proactive disclosure obligations, establishing baseline compliance requirements across government.

2

## **Circular No. 2/2020/ATI**

COVID-19 pandemic response requiring disclosure of funds received, expenditure details, awarded contracts, and service provider names.

These circulars ensure consistent implementation of transparency standards during both normal operations and crisis periods, protecting public interest.

## COVID-19 TRANSPARENCY COMPLIANCE





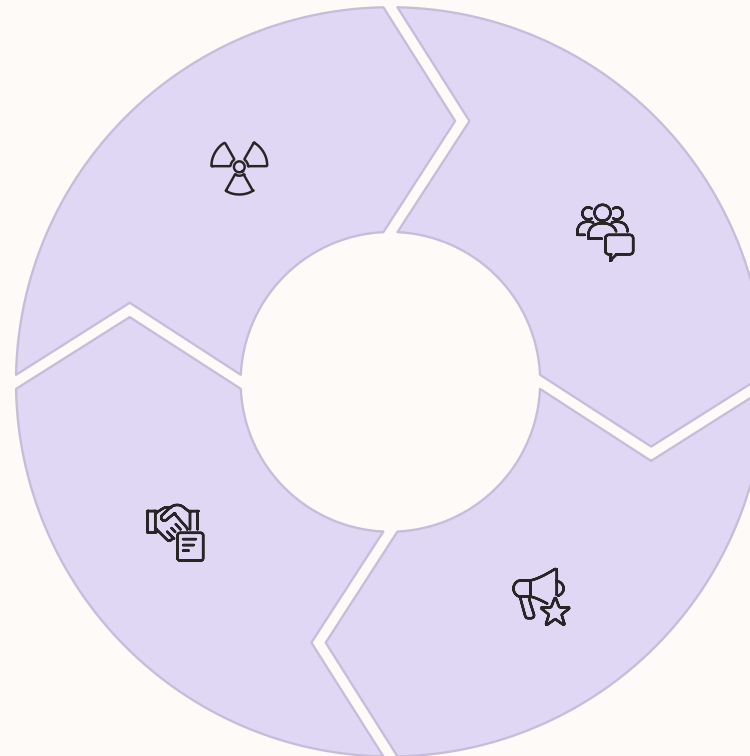
# Suo-Moto Interventions: Uyombo Community Case

## Proactive Intervention

CAJ intervened in proposed Nuclear and Energy Agency project in Uyombo Community, Kilifi County without waiting for complaints.

## Enhanced Participation

Strengthened measures for increased project awareness and robust public participation mechanisms.



## Information Disclosure

Ensured comprehensive project information disclosure and guaranteed meaningful public participation processes.

## Multi-Channel Awareness

Agency committed to community forums, information centers, broadcast media, and local language materials.



# Enhancing Access at Local Level

3

## Counties with ATI Laws

Active county-specific access to information legislation

01

### Legislative Mandate

County Governments Act requires all counties to customize ATI legislation for local contexts and needs.

03

### Leadership Engagement

Active engagement with county leadership builds understanding, appreciation, and political goodwill for ATI implementation.

20

## Advanced Stage Counties

Counties at advanced stages of ATI legislation development

02

### Model Law Development

CAJ created Model Law on Access to Information for County Governments to support consistent, effective legislation.





# Challenges Ahead

## 1 Culture of Secrecy

Entrenched institutional secrecy continues to undermine full compliance with transparency requirements, requiring sustained advocacy and enforcement efforts.

## 2 Limited Citizen Awareness

Low levels of public awareness about ATI rights significantly reduce utilization, particularly among vulnerable groups who need these services most.

## 3 Poor Records Management

Inadequate institutional records management systems hamper effective information processing and timely responses to citizen requests.

Addressing these challenges requires sustained commitment from government institutions, civil society, and citizens to build a truly transparent and accountable democratic society.