THE KENYA SCHOOL OF LAW

ACCESS TO INFORMATION POLICY

MAY 2025

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FOREWORD

The Kenya School of Law is established under the Kenya School of Law Act, Cap. 16C as a public legal training institution. In addition to the Act, the School is guided by the Constitution, other relevant statutes, regulation, government policies and guidelines.

The Kenya Information and Communications Act, Cap. 411A; is anchored on Article 35 of the Constitution of Kenya 2010, which provides for the right to access information held by public institutions. The School acknowledges that it is the right of citizens to receive certain information held by the School. It is against this background that the School has developed this policy to provide a framework for realising this right.

I wish to acknowledge the work of the drafting committee and all those whose contributions facilitated completion of this Policy document. The Policy will be subject to review on a regular basis taking into account new and emerging areas of Law, the strategic plan of the School, changes in social, economic and technological environment and resolutions of the Board. The School staff shall implement the policy in their respective positions as is relevant and required.

Dr. Henry K Mutai
DIRECTOR/ CHIEF EXECUTIVE OFFICER

LIST OF ABBREVIATIONS

- ATI - Access To Information
- CAJ - Commission on Administrative Justice
- IAO - Information access officer

INTERPRETATION OF TERMS

Access – means making available information, records or an opportunity to examine documents.

Declined request - means a request that has not been granted.

Deferred request - means a request for access to information that has been suspended because of the applicant failing to meet their obligations or further action is required from the applicant.

Exempt information - means information that may be withheld by the School.

Granted request - means a request that has been processed and information provided to an applicant for information.

Information access officer- means the Director or any officer designated as information access officer by the Director.

Personal information - means information about an identifiable individual.

Proactive disclosure-means a routine and systematic dissemination of information, in the absence of a request for it.

Public record –means any record in written or any other form containing information relating to the conduct of the School's business, prepared, owned, used, or retained by the School regardless of physical form or characteristics.

Reactive disclosure- means making information available in response to a request for it.

Requester - means a person, group of people or institution requesting for access to information.

Transferred request – means a request that has been referred to another public institution that is the custodian of the requested information.

1.0 INTRODUCTION

This Policy provides a framework for the School to make available information in its custody in line with the law on access to information. The School in carrying out its mandate and in its daily administrative functions gathers information which includes reports, professional opinions, staff and student data, third party information, processes, policies and financial records in various forms. Article 35 of the Constitution of Kenya 2010 and section 4 of the Access to Information Act, Cap. 7M; provide that every citizen has a right to access to information held by a public institution.

2.0 THE PURPOSE

The purpose of this Policy is to provide guidance and direction on how to manage and provide access to information in line with the Access to Information Act, Cap. 7M, which requires all information held by Government agencies, shall be made available to the public, unless reasons exists for withholding it. The Act specifies the reasons that are appropriate for an agency to withhold requested information.

The specific objectives of this Policy are to:

a) Provide a framework for proactive and reactive disclosure of information that the School holds;
b) Promote routine and systematic information disclosure by the School on constitutional principles relating to accountability, transparency and public participation and access to information;
c) Provide a framework to facilitate awareness creation on the right to access information.

3.0 POLICY STATEMENT

The School is committed to facilitating access to information in order to promote accountability, transparency, integrity and good governance.

4.0 STATEMENT OF COMPLIANCE

This Policy takes cognizance of the Constitution of Kenya 2010 and all relevant laws and policies including:

a) The Kenya School of Law Act, Cap. 16C;
b) The Kenya Access to Information Act, Cap. 7M;
c) The Data Protection Act, Cap. 411C;
d) The Anti - Bribery Act, Cap. 79B;
e) The Public Officers Ethics Act, Cap. 185B;
f) The Official Secrets Act, Cap 187;
g) The Fair Administrative Action Act, Cap. 7L;
h) The Commission on Administrative Justice Act, Cap. 7J;
i) The Public Archives and Documentation Service Act, Cap. 19;
j) The Consumer Protection Act, Cap. 501;
k) The Public Procurement and Asset Disposal Act, Cap. 412C;

l) The Public Finance Management Act, Cap. 412A;
m) Government circulars.

5.0 SCOPE

a) This Policy applies to the Board, staff, students and the external stakeholders of the School.
b) This Policy shall apply to the Board of Directors, all staff, interns, students on attachment and students with respect to all information in whatever form or means, such as records, document, data extra regarding the School that is shared between the School, staff, students and stakeholders.

6.0 GUIDING PRINCIPLES

a) Public participation
b) Accountability
c) Integrity
d) Transparency
e) Confidentiality

7.0 GOVERNANCE

7.1 The Board

The Board shall:

a) Provide oversight on matters concerning access to information;
b) Provide policy direction with respect to access to information.

7.2 The Director

The Director shall:

a) Be the IAO as provided for in the Access to Information Act and may delegate in writing the performance of his/her duties as IAO to any other officer in School;
b) Approve requests for access to information;
c) Approve requests for access to information;
d) Review and approve quarterly reports to the CAJ;
e) Receive and review applications on Access to Information;
f) Provide technical support to the School on implementation of Kenya Information and Communications Act, Cap. 411A;
g) Prepare relevant reports on Access to Information matters.

8.0. POLICY AREAS

8.1 Information Disclosure

a. Proactive disclosure

The School shall proactively disclose the following information on the website:

(a) Location, contacts, management structures, mandate and functions of the School, powers and duties of the officers and employees;
(b) Decision making procedures including channels of supervision and accountability;
(c) Salaries scale by grade;
(d) Policies and Procedures;
(e) Subject to the Public Procurement and Asset Disposal Act Cap. 412C, public procurement information;
(f) Lists and registers of information held by the School.

b. Reactive Disclosure

a) The School may upon request disclose information in a user-friendly, machine readable and plain language format that is understandable to a layperson, including by providing a descriptive explanation of technical information as per the timelines provided in the Kenya Information and Communications Act, Cap. 411A;
b) Information shall be translated into another language upon request and payment of a requisite fee;
c) Electronic information shall be disclosed in the most current standard compliant format that is accessible to persons with disability.

8.2 Limitation of right to information

The School may limit disclosure of information, which is likely to:

a) Violate the privacy of an individual, other than the applicant;
b) Impede the due process of law;
c) Endanger the safety, health or life of any person;
d) Substantially prejudice business interests;
e) Undermine School's security;
f) Damage the School's position in actual or contemplated legal proceedings;
g) Infringe professional confidentiality;
h) Undermine School's ability to give adequate and judicious consideration to a matter, which is pending a final decision and is actively under consideration.

8.3 Requests for information.

a) A person, group or organization who wishes to access information held by the School shall make a request in writing to the Director,

b) A request made on behalf of another person or persons that contains personal information shall be accompanied by a written consent,
c) The applicant may withdraw a request for access to information at any time before access to have been provided.

8.4 Processing

The School shall provide access to information within the timelines prescribed in the Access to Information Act and any applicable guidelines, circulars or guides issued by CAJ.
The School may charge a fee to cater for costs that may be incurred in processing the requested information.

8.6 Response

The School may grant, transfer, decline or defer a request.

The following are reasons that the School shall use to decline a request for access to information in line with the Kenya Information and Communications Act, Cap. 411A; that information may be withheld if its 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.

8.7 Review and appeal

a) A dissatisfied applicant may apply to the Director for a review of a decision in the first instance.
b) The applicant shall appeal against a decision made by the Access to Information Officer to the Board within 21 days.

8.8 Records management

The School shall keep and maintain access to information register. The School records shall be maintained in accordance with the School's Records Management Policy.

The following details shall be contained in the register:

a) The name of the Requestor or the requesting organization;
b) The date of receipt of the request;
c) A brief indication of the nature of the request;
d) The date the IAO communicates the information or the denial to provide the information to the Requestor.

8.9 Data protection

The School shall comply with legal requirements the Data Protection Act, Cap. 411C; in considering requests for access to information.

9.0 RELATIONSHIP WITH OTHER POLICIES

This Policy shall operate alongside other School policies, including the:

a. Human Resource Policy and Procedure Manual;
b. Knowledge Management Policy;
c. Records Management Policy;
d. Information Communication Technology Policy;
e. Data Protection Policy;
f. Complaints Handling Policy;
g. Whistle Blower Policy;
h. Student Welfare Policy ;
i. Finance Policy;
j. Supply Chain Management Policy.

10.0 IMPLEMENTATION, MONITORING AND EVALUATION

The Director is responsible for the implementation of this Policy:

a) The access to information guidelines provide procedures for the implementation of this Policy;
b) The monitoring and evaluation of this policy will be done within an approved monitoring and evaluation framework of the School;
c) The Director shall be responsible for the implementation of this Policy;
d) Implementation of this Policy shall be monitored and evaluated by the appropriate framework to be established. The School shall develop necessary, strategies, guidelines, manuals and procedures to implement the Policy.

11.0 REVIEW

This Policy shall be reviewed at least once every five years. In reviewing this Policy, the School shall consider:

a) New and emerging areas of law;
b) The Strategic Plan of the School;
c) Changes in social, economic, political and technological environment;
d) Government Policy;
e) Resolutions of the Board.

12.0 APPROVAL

Approved by the Board of Directors on.....9/MAY/2025.....

Signed by the Chairperson of the Board.....**Date**.....20/JUNE/2025