



THE KENYA SCHOOL OF LAW

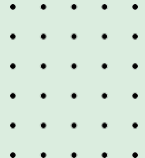
CONTINUING
PROFESSIONAL
DEVELOPMENT
PROJECTS &
RESEARCH
DEPARTMENT

PROFILE

THE KENYA SCHOOL OF LAW
MAIN ADMINISTRATION WING

CORRUPTIO
FREE ZONE

WWW.KSL.AC.KE



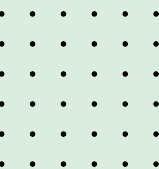
CPD&PR DEPARTMENT OVERVIEW

ABOUT US

The Kenya School of Law is a statutory public education provider tasked with the role of providing professional legal training as an agent of the government. The specific mandate of the School is to;

1. Train persons to be advocates under the Advocates Act;
2. Offer continuing professional development programmes;
3. Provide para legal training;
4. Provide other specialised legal training;
5. Develop curricula, training manuals, conduct examinations and confer academic awards; and
6. Undertake projects, research and consultancies.

The mandate of the CPD, P&R department is to undertake practical training in law and other related disciplines for the professional development of lawyers and other actors in the legal sector in order to enhance good governance, rule of law and development.





OUR SERVICES

1. CONSULTANCY SERVICES



1.1. LEGAL AND GOVERNANCE AUDIT

Public institutions operate within a robust legislative and policy framework at the international, national and organizational levels. In order to utilise the best practice and provide high quality professional services to customers, full compliance to legislative duties is paramount. Legal and governance audits help institutions to identify and understand their legal obligations. The outcome of the process is to minimize exposure to liability.

Furthermore, The Mwongozo Code of Governance for State Corporations provides at Para. 8:4 that:

The Board should ensure:

- a) That a Legal Compliance Audit is carried out at least annually with the objective of establishing the level of adherence to the applicable laws, rules, regulations and standards.
- b) That the recommendations in the Legal Compliance Audit report be implemented.
- c) That a comprehensive and independent legal audit is carried out at least once every two years.
- d) The Board shall file compliance reports on all statutory obligations in each quarter to the responsible Cabinet Secretary and to SCAC.

Para. 1:13 of Mwongozo further provides that:

The Board in consultation with the oversight office should ensure that it subjects the organisation to an annual governance audit by a member regulated by the Institute of Certified Public Secretaries of Kenya and accredited for that purpose.

Therefore, a legal and governance audit is a regulatory requirement for all state corporations.



1.2 DATA PROTECTION IMPACT ASSESSMENT AND DEVELOPMENT OF DATA PROTECTION COMPLIANCE FRAMEWORKS

The Data Protection Act, 2019 (“DPA” or “the Act”) was enacted on 25th November 2019 to provide for the regulation of the processing of personal data; to provide for the rights of data subjects and obligations of data controllers and processors and to uphold the constitutionally guaranteed right to privacy under Article 31 of the Constitution.

The object and purpose of this Act is set out in Section 2 viz—

- a) to regulate the processing of personal data;
- b) to protect the privacy of individuals;
- c) to establish the legal and institutional mechanism to protect personal data; and
- d) to provide data subjects with rights and remedies to protect their personal data from processing that is not in accordance with this Act;
- e) to ensure that the processing of personal data of a data subject is guided by the principles set out in section 25.

The principles of data protection set out in Section 25 are that personal data of subjects must at all times be:

- a) processed in accordance with the right to privacy.
- b) processed lawfully, fairly and in a transparent manner i.e. where express consent of the data subject has been obtained.
- c) collected for specified, explicit and legitimate purposes.
- d) accurate and kept up to date.
- e) retained for no longer than is necessary.
- f) adequate, relevant, and limited to what is necessary.

The DPA is applicable to data controllers and data processors. The Act requires data controllers and processors to implement appropriate technical and organizational measures designed to implement data protection principles in an effective manner and integrate necessary safeguards for that purpose into processing.

Furthermore, where a processing operation is likely to result in high risk to the rights and freedoms of a data subject, by virtue of its nature, scope, context and purposes, a data controller or data processor is required, prior to the processing, carry out a data protection impact assessment. DPIA is a process designed to identify risks arising out of the processing of personal data and to minimize these risks as far and as early as possible.



1.3 REGULATORY IMPACT ASSESSMENT AND COMPLIANT REVIEW

Regulatory impact assessment (RIA) involves a range of methods aimed at systematically assessing the negative and positive impacts of proposed and existing regulations. It is an important instrument for improving the quality of regulations and good governance, by ensuring more coherent and transparent policies, and making regulation more effective and efficient. Through RIA, an analysis of proposed regulations is done, and by comparing different options, RIA is a methodological framework and an administrative procedure for better-informed policy-making and legislative enactments. RIA facilitates the interdepartmental process and often involves public consultation.

Through the process, RIA ensures that the benefits of government action justify the costs, and that the option chosen maximises benefits and minimises costs. This is why cost-benefit analysis is usually part and parcel of RIA. RIA has been used widely especially in the OECD countries. But the practice has now found its way into many countries, including Kenya, where it has been given legislative impetus. The Statutory Instruments Act requires that RIA be undertaken in certain cases.

1.4 LEGISLATIVE AND POLICY DRAFTING

Development and drafting of legislative and policy proposals for the Government and advising the Government and its agencies on legislative and other legal matters.

We offer legal advice and support to the policy-making institutions, government departments, legislators, regulatory authorities, and other stakeholders to draft legislation in all sectors. Our support to clients includes the conduct of unique and quality research and analysis locally, while incorporating international best practices for each specific sector thereby ensuring that our drafting and review of the current or proposed policies and legislation can withstand public scrutiny.



OUR SERVICES

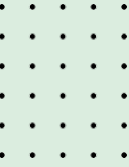
2. TRAINING



1.1. LEGAL AND GOVERNANCE AUDIT

1. TRAINING

The mandate of the CPD, P&R department is to undertake practical training in law and other related disciplines for the professional development of lawyers and other actors in the legal sector in order to enhance good governance, rule of law and development. In the past 12 years the department has successfully trained on diverse fields of law. The School has internal capacity and also adjunct experts in different areas of the law and is capable of mounting any law-related course using its rich database of experts. The School also collaborates with the regulators of different sectors to offer relevant training. The training offered by the School is usually for a period of 2 to 5 days, though a few courses go beyond the 5 days (e.g. Prosecution Skills (3 weeks) and Certificate in Legislative Drafting (9 weeks)). The School advertises calendar courses and also offers customer-tailored courses for specific institutions.



OUR CLIENTS

The Continuing Professional Development Projects in the Research Department has undertaken a wide array of legal audits and compliance projects for state corporations and private entities in diverse sectors on account of its in-depth mastery and understanding of the obligatory legal frameworks.

In particular, the Consultant has over the past 10 years conducted legal audits for various state corporations.

OUR CLIENTS



**WE CONDUCTED LEGAL AUDITS FOR
VARIOUS STATE CORPORATIONS
INCLUDING BUT NOT LIMITED TO;**



1. Sacco Societies Regulatory Authority (SASRA) (2013, 2015, 2022)
2. National Council for Law Reporting (2019)
3. Kenya Maritime Authority (2013, 2016 and 2020)
4. Geothermal Development Company Ltd (2017)
5. Industrial and Commercial Development Authority (2017)
6. Retirement Benefits Authority (2012 h 2017)
7. National Oil Authority of Kenya (NOCK) (2014)
8. Kenya Civil Aviation Authority (KCAA) (2013)
9. Kenya Electricity Transmission Company Ltd (KETRACO) (2016, 2021)
10. National Environment Management Authority (NEMA)
11. Export Promotion Council (August 2011)
12. South Nyanza Sugar Company Limited (March 2012)
13. National AIDS Control Council (2012 h 2014)
14. Nzoia Sugar Company Limited (October 2012)
15. Kenya Power h Lighting Company Limited (2013)
16. Insurance Regulatory Authority
17. Kenya Bureau of Standards
18. Industrial and Commercial Development Corporation
19. Kenya Reinsurance Corporation
20. Export Promotion Council (August 2011)
21. Brand Kenya Board (June 2012) and KEPROBA(2020)
22. National AIDS Control Council (2012,2014,2016,2019)
23. Retirement Benefits Authority (July 2012; July 2016)
24. Kenya Civil Aviation Authority
25. National Environment Management Authority (2013,2015)
26. Postal Corporation of Kenya
27. Kenya Year Book Editorial Board
28. Constituencies Development Fund Board
29. National Authority for the Campaign Against Alcohol and Drug Abuse
30. National Oil Corporation
31. Capital Markets Authority
32. Kenya Film Classification Board
33. Kenyatta National Hospital
34. Water Services Regulatory Board
35. Kenya Accounts and Secretaries National Examination Board
36. Kenya Deposit Insurance Corporation
37. National Industrial Training Authority
38. Kenya Airports Authority
39. Kenya Medical Research Institute
40. Nursing Council of Kenya
41. Bandari Maritime Academy
42. Commission for University Education
43. National Social Security Fund

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