



The Kenya School of Law
ACCESS TO INFORMATION GUIDELINES

Part I: Preamble

The Kenya School of Law is established under section 4 of the Kenya School of Law Act, 2012 and is a successor of the School established under the Council for Legal Education Act, 1995. The mandate of the School is the provision of professional legal training as an agent of the Government.

Article 35 of the Constitution provides every citizen with the right to information that is necessary for the exercise or protection of any right or fundamental freedom. However this right is limited by the Access to Information Act.

The School as a public entity is committed to actualizing the right to access to information as guided by the Access to Information Act, 2016. To enable the School achieve its obligation, it has published the guidelines below.

Part II: Information Access Officer

The Director/Chief Executive Officer

The Kenya School of Law

P.O Box 30369-00100

Nairobi

Email: lawschool@ksl.ac.ke

Tel: 020 2699581/2/3/4/5/6

Part III: Procedure for Request for Information

1. Any person whether natural or legal who requires information from the School 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 School 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 (Commission);
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 School 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 School may transfer a request for information to another entity where the requested information is not within the possession of the School. 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

The School 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 a public entity 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.

Promulgated this day of October, 2018

Dr. Henry K. Mutai

DIRECTOR/CHIEF EXECUTIVE OFFICER



THE KENYA SCHOOL OF LAW

ACCESS TO INFORMATION REQUEST FORM

APPLICANT

Name

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

Email address.....

Information Requested

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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.....