

Chairperson: Hon. Florence Kajuju, MBS
Vice-Chairperson: Mr. Washington Sati
Commissioner: Mrs. Lucy Ndung'u, EBS, HSC



THE
COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman"

Our Ref: CAJ/ADM/24/1(1)

18th February 2019

CAJ CIRCULAR NO. 1/2019/ATI

**All Principal Secretaries/Accounting Officers
Clerk, National Assembly
Clerk, Senate
Chief Registrar of the Judiciary
All County Secretaries
All Clerks, County Assemblies
All Chief Executive Officers, State Corporations & Statutory Bodies
All Vice-Chancellors, Public Universities
All Secretaries, Constitutional Commissions
All Holders of Independent Offices**

PROACTIVE DISCLOSURE OF INFORMATION

Following the enactment of the Access to Information Act in September 2016, the Commission on Administrative Justice (Office of the Ombudsman) was granted powers to enforce and oversee the implementation of the Act. In the conduct of its functions, the Commission is guided by the national values and principles enshrined in the Constitution. One of the objects of the Act is to promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information. The scope of Jurisdiction includes both National and County Government levels.

Accordingly, the Act requires public entities and private bodies to proactively disclose information, and also facilitate access to information held by them in accordance with Article 35 of the Constitution. To this end, each Accounting Officer/Chief Executive Officer is required to ensure implementation and compliance with the provisions of the Act.

The Commission wishes to bring the specific requirements under the Act to the attention of public entities. The requirements under the Act are listed hereunder:


- i) Ensure proactive disclosure of information held by them. The information to be disclosed includes, but not limited to:-
 - a) Particulars of its organization, functions and accountability;

- b) Powers and duties of its officers and employees;
- c) Salary scales of officers by grade;
- d) Procedure for decision making;
- e) Guide of information held; and
- f) Publish on its website or through any other suitable medium, the following particulars in respect of any contract entered into:
 - the public works, goods acquired or rented, and the contracted service, including any sketches, scope of service and terms of reference,
 - the contract sum,
 - the name of the service provider, contractor or individual to whom the contract has been granted, and
 - the timeline of the contract.
- ii) Publish all relevant facts while formulating important policies or decisions that affect the public, and provide reasons to any affected person.
- iii) Disseminate information to all persons, including persons with disabilities, local language *inter alia*.
- iv) Publish the name or names of its Information Access Officer(s)
- v) Process applications for access to information held by them within the set timelines at reasonable cost, if any.
- vi) Keep and maintain accurate, authentic and credible records.

In light of the above, each public entity is required to comply with the requirements on proactive disclosure **within 30 days from the date of this letter**. The Commission shall thereafter conduct compliance checks with a view to taking any necessary legal action and/or administrative sanctions against the non compliant entities and public officers.

For more information and/or clarifications on the implementation of these requirements, the Commission may be contacted through the following e-mail address info@ombudsman.go.ke or through telephone numbers 020-2270000 or 020-2303000.

Yours

Sincerely,


FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION

Cc:

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