



THE REPUBLIC OF KENYA

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THE ACCESS TO INFORMATION ACT

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ACCESS TO INFORMATION ACT

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NO. 31 OF 2016

ACCESS TO INFORMATION ACT

[Date of assent: 31st August, 2016.]

[Date of commencement: 21st September, 2016.]

AN ACT of Parliament to give effect to Article 35 of the Constitution; to confer on the Commission on Administrative Justice the oversight and enforcement functions and powers and for connected purposes

[Act No. 31 of 2016.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Access to Information Act, 2016.

2. Interpretation

In this Act, unless the context otherwise requires—

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to information;

"chief executive officer" of a public body or private body means the Principal Secretary in the case of a Government Ministry or Department, managing director in the case of a corporate body, or the person assigned the principal administrative responsibility in any body by whatever title; and

"citizen" means any individual who has Kenyan citizenship, and any private entity that is controlled by one or more Kenyan citizens.

"Commission" means the Commission on Administrative Justice established by section 3 of the Commission on Administrative Justice Act, (No. 23. of 2011);

"edited copy" in relation to a document, means a copy of a document from which exempt information has been deleted;

"electronic record" means a record generated in digital form by an information system, which can be transmitted within an information system or from one information system to another and stored in an information system or other medium;

"exempt information" means information that may be withheld by a public entity or private body in accordance with section 6;

"information" includes all records held by a public entity or a private body, regardless of the form in which the information is stored, its source or the date of production;

"information access officer" means any officer of a public entity or private body designated under section 7 as such for purposes of this Act;

"interested party" means a person who has an identifiable stake or legal interest in the proceedings before the court but is not a party to the proceedings or may not be directly involved in the litigation;