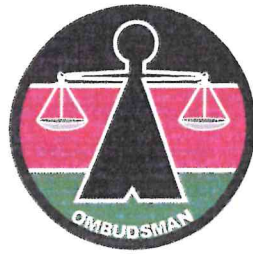


Chairperson: Hon. Florence Kajuju, MBS
Vice-Chairperson: Mr. Washington Sati
Commissioner: Mrs. Lucy Ndung'u, EBS, HSC



THE
COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman"

Our Ref: CAJ/ATI/PE/040/2/19-SNK

6th September, 2019

Dr. Sam Thenya
Chief Executive Officer
Nairobi Women's Hospital
P.O. Box 10552-00100
NAIROBI
info@nwch.co.ke

Dear Sir,

RE: REQUEST FOR DOCUMENTS BY MS. CHRISTINE NZULA FROM YOUR HOSPITAL

Reference is made to the above matter.

The Commission has carefully considered the request for information in the letter dated 21st November 2018 and your response letter 22nd January 2019. Further consideration is made to the Commission's letter to you referenced CAJ/ATI/040/2/19-JK dated 11th June 2019. The request for information is made for access to medical records relating to treatment of Ms. Christine Nzula.

The Commission observes that whereas in your letter dated 22nd January 2019 you stated that the medical records cannot be disclosed to any other party other than the patient due to doctor-patient confidentiality, Ms. Christine Nzula visited your office on 19th February 2019 and requested for the records in person but no records were provided to her to date.

Therefore, the Commission pursuant to Powers granted by section 23(2)(a) of the Access to Information Act, 2016 DETERMINES:

1. **THAT** the Chief Executive Officer, Nairobi Women's Hospital do facilitate access by Ms. Christine Nzula to information and records held by the Hospital relating to her treatment.
2. **THAT** compliance with No. 1 be within seven (7) days from the date hereof.

TAKE NOTICE THAT section 23(3) of the Access to Information Act, 2016 provides that "A person who is not satisfied with an order made by the Commission under subsection (2) may appeal to the High Court within twenty-one days from the date the order was made."


LUCY NDUNGU, EBS
ACCESS TO INFORMATION COMMISSIONER

CC:

Ms. Carolene Kituku
KELIN
SOMAK Building, 4th floor
Mombasa Road
P.O. Box 112-00202
NAIROBI