

**Commission on Administrative
Justice (Office of the Ombudsman)**

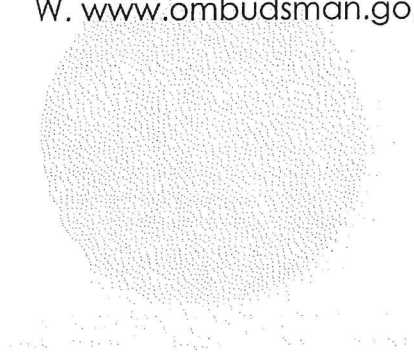


Hata Mnyonge ana Haki

**Reporting Guidelines for Public Entities and Private
Bodies under the Access to Information Act, 2016**

MARCH 2024

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FOREWARD

The Commission on Administrative Justice (Office of the Ombudsman) is established under Article 59(4) of the Constitution and the Commission on Administrative Justice Act, 2011 to enforce administrative justice in the public sector by addressing all forms of maladministration. In addition, the Commission has the mandate of overseeing and enforcing the implementation of the right of access to information guaranteed under Article 35 of the Constitution and operationalized through the Access to Information Act, No. 31 of 2016 (ATI Act, 2016).

The Government of Kenya has continuously focused on ensuring that public service is responsive to the needs and aspirations of citizens and other stakeholders. Public entities and relevant private bodies are expected to create avenues and systems that encourage accountability and transparency amongst the people they serve and the general populace. The Access to Information Act, 2016 requires all public entities and relevant private bodies to implement the Act by disclosing information to the public which is crucial for the promotion of fundamental rights and freedoms, democracy and good governance.

To this end, the Commission in partnership Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH developed Reporting Guidelines for Public entities and Private Bodies under the ATI Act, 2016 to set out the required obligation and standards on reporting requirement for all public entities and relevant private bodies charged with implementation of the right of access to information and the Access to Information Act, 2016. These Reporting Guidelines reaffirm and reflect Government commitment on good governance by enhancing transparency and accountability which are key elements to realization of our collective vision as a Nation. The Commission is therefore confident that these Reporting Guidelines will be an invaluable resource to all public entities and relevant private bodies in implementing the ATI Act, 2016.



HON FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION

PREFACE

Kenya enacted the Access to Information Act in 2016 with the aim of operationalizing Article 35 of the Constitution 2010, which gave every citizen the right of access to information held by the State and any other person. The Act requires the State to disclose information to citizens including proactively disclosing and publicizing important information affecting the nation. The right of citizens and the public to know is fundamental in any society that is governed by the rule of law and subscribes to international best practice, where Governments hold information in trust for its citizens.

The Access to Information Act, 2016 requires all public entities and relevant private bodies to implement the Act through establishment of appropriate frameworks to enable access to information by all citizens. Accordingly, all public entities and relevant private bodies are required by the Access to Information Act, 2016 to submit to the Commission reports detailing the status of institutional implementation of the Act.

The Commission in partnership Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH developed these Reporting Guidelines for Public entities and Private Bodies under the ATI Act, 2016. These Reporting Guidelines sets out the required standard including manner, mode and timeframe for reporting by all public entities and relevant private bodies charged with implementation of the right of access to information under the law. The reports and the reporting framework will enable monitoring of the progress made on the right to information, the challenges thereof and allow development of appropriate responses for an enabling environment on the right to information for both to the Government and citizens.


LUCY NDUNGU, EBS
ACCESS TO INFORMATION COMMISSIONER

ACKNOWLEDGMENTS

The Commission appreciates the valuable work, time, material, intellectual and professional support of everybody who participated and contributed to the development of this Guide. First and foremost, to the Commissioners led by the Chairperson Hon. Florence Kajuju MBS, Vice-Chairperson Mr. Washington Sati MBS, and Access to Information Commissioner Lucy Ndungu EBS, for their visionary leadership and guidance. The Commission wishes to express its gratitude to the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH Kenya, a key partner of the Commission, for its generosity in providing resources and support for the whole process.

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Many thanks to Ms. Viola Ochola, the Director Access to Information who worked on conception of the idea and resource mobilization to realization of the Reporting Guidelines. The Commission also thanks the Access to Information Department team comprised of Mr. Simon Nzioka, Ms. Sylvia Chelogoi, Ms. Joyce Kihara and Ms. Maryann Wanjiru who worked tirelessly to ensure that these Reporting Guidelines become a reality.

Last but not least, the Commission thanks the entire CAJ team and all our stakeholders for their continued support, input and partnership.



MERCY K. WAMBUA, OGW
COMMISSION SECRETARY/CEO

EXECUTIVE SUMMARY

The Reporting Guidelines for Public Entities and Private Bodies under the Access to Information Act, 2016 provides the required guidance to public entities and relevant private bodies on the expected reporting obligation under the Access to Information Act, 2016. The Guidelines spell out the manner, mode and timeframes for reporting as required by the Act. Specifically, the Guidelines stipulate the nature of information required from implementing institutions which will enable the Commission to measure progress made in implementation of the ATI Act, 2016. The Guidelines form a point of reference on the legal framework for access to information reporting.

The Reporting Guidelines were developed through detailed research on access to information implementation and reporting both at the local and international levels. Best practices from countries implementing access to information laws have been captured in the Reporting Guidelines and are nuanced with Kenyan perspectives from engagement with key stakeholders. Further, the Reporting Guidelines were developed through a consultative process as required by section 23(7) of the ATI Act, 2016. This included stakeholders' engagement process through surveys, physical visits, telephone and email conversations, call for written submissions and a stakeholders' validation forum. All views and comments submitted by stakeholders were given due consideration and formed part of these Reporting Guidelines.

The Reporting Guidelines are organized in six sections. Section 1 presents a background of the right of access to information and functions of the Commission under the Access to Information Act, 2016. Section 2 presents the approach adopted to develop the Reporting Guidelines, purpose of the Reporting Guidelines, definitions, key values in the Reporting Guidelines and duties of key actors in the reporting framework. Section 3 gives guidance and clarity on reporting procedures, reporting process and reporting templates. Further, the section highlights information to be reported and the need for accuracy of reported information. Section 4 provides guidance on how the Commission will monitor and evaluate Reporting Institutions in relation to the reporting requirements. Section 5 highlights sanctions the Commission may institute against Reporting Institutions that do not comply with provisions of the Reporting Guidelines and finally, section 6 outlines the effective date and review of the Guidelines.

PHILOSOPHICAL AND ETHICAL FOUNDATION OF THE COMMISSION ON ADMINISTRATIVE JUSTICE

VISION

A society that upholds Administrative Justice and Access to Information.

MISSION

To enforce Administrative Justice and Access to Information in Kenya through complaints resolution and public education for efficient and effective service delivery.

CORE VALUES

- Responsiveness
- Independence
- Fairness
- Transparency
- Integrity

ACRONYMS

ATI: Access to Information

CAJ: Commission on Administrative Justice

CEO: Chief Executive Officer

CMIS: Complaints Management Information System (CMIS)

CS: Cabinet Secretary

IAO: Information Access Officer

ICT: Information Communication and Technology

DEFINITION OF TERMS

- i. *Access to Information Register*: Record of all requests for information received by the respective public entity or private body.
- ii. *Declined request*: Refers to a request for information not granted on account of Section 6 of the ATI Act, 2016 and/or other justifiable lawful grounds.
- iii. *Deferred request*: Refers to a request for access to information that has been kept in abeyance on account of the requester failing to meet their obligations under the Act or further action is required from the requester.
- iv. *Chief Executive Officer (CEO) at the County Level*: The County Governor in the case of the County Executive, the Clerk of the County Assembly or the person assigned the principal administrative responsibility in any county public entity.
- v. *Chief Executive Officer of a public entity or private body*: 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 including a private body.
- vi. *Commission*: The Commission on Administrative Justice (CAJ) established by section 3 of the Commission on Administrative Justice Act, 2011.
- vii. *Commission Secretary*: The Commission Secretary of the Commission appointed in accordance with section 21 of the Commission on Administrative Justice Act.
- viii. *Granted request*: Refers to a request processed and information provided.
- ix. *Information*: Includes all records held by a public entity or a private body, regardless of the form in which the information is stored, its sources or the date of production.
- x. *Information Access Officer (IAO)*: Any officer of a public entity or private body designated under Section 7 of Access to Information Act, 2016.
- xi. *Pending request*: Refers to request for access to information which is still being processed by the Reporting Institution.
- xii. *Personal information*: Information about an identifiable individual, including, but not limited to-a) information relating to the race, gender, pregnancy, marital status, national, ethnic or social origin, color, age, physical, psychological or mental health, well-being, disability, religion,

conscience, belief, culture, language and birth of the individual; b) information relating to the education or medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; c) any identifying number, symbol or other particular assigned to the individual; d) the fingerprints, blood type, address, telephone or other contact details of the individual; e) a person's opinion or views over another person; f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; g) any information given in support or in relations to an award or grant proposed to be given to another person; h) contact details of an individual.

- xiii. *Private body*: Any private entity or non-state actor that:
 - a. Receives public resources and benefits, utilizes public funds, engages in public functions, provides public services, has exclusive contracts to exploit natural resources;
 - b. Is in possession of information which is of significant public interest due to its relation to the protection of human rights, the environment or public health and safety, or to exposure of corruption or irregular actions or where the release of the information may assist in exercising or protecting any right.
- xiv. *Proactive disclosure*: Active publication and updating by public entities and private bodies of certain sets information as required by Article 35 of the Constitution and ATI Act, 2016. The broad areas for proactive disclosure include the required information under Article 35(3) of the Constitution and section 5 of the ATI Act, 2016.
- xv. *Public entity*: Any public office, as defined in Article 260 of the Constitution, or any entity performing a function within a commission, office, agency or other body established under the Constitution.
- xvi. *Public record*: Any record in written or any other form containing information relating to the conduct of the public entity's business, prepared, owned, used or retained by a public entity regardless of physical form or characteristics.
- xvii. *Reactive disclosure*: This is release of information held by a public entity or a private body upon request.
- xviii. *Request for information processing procedure*: The steps taken by an institution to process request for information.
- xix. *Reporting Institution*: A public entity or a private body required to

implement the Access to Information Act 2016 and report to the Commission on implementation.

- xx. *Reporting period*: The timeline set for submission of reports to the Commission under the Access to Information Act, 2016 and as per these Reporting Guidelines.
- xxi. *Transferred request*: Refers to a request that has been referred to another public institution which is the custodian of the requested information.

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1.0 GENERAL INTRODUCTION

1.1 Background

The Commission on Administrative Justice (Office of the Ombudsman) (herein referred to as CAJ or the Commission) is established under Article 59(4) of the Constitution, and its constitutive Act; Commission on Administrative Justice Act, 2011 (CAJ Act) with the mandate to enforce administrative justice in the public sector by addressing all forms of maladministration. The Commission has a further mandate of oversight and enforcement of the right of access to information as guaranteed by Article 35 of the Constitution, through the Access to Information Act, 2016 (ATI Act, 2016).

Article 35(1) of the Constitution guarantees the right of every citizen to access: -

- a) Information held by the State; and**
- b) Information held by another person and required for the exercise or protection of any right or fundamental freedom.**

Further, Article 35(3) provides that... ***"The State shall publish and publicize any important information affecting the nation."***

The importance of access to information to a country's citizenry is premised on the fact that all sovereign power belongs to the people. Consequently, all information held by the Government is held by it in trust for the people. Access to information equips citizens with requisite knowledge about government policies, procedures and decisions thereby enabling them to have meaningful participation. In addition, informed citizens are able to scrutinize the actions and decisions of duty bearers thereby promoting the principles of good governance. This ultimately engenders open government, efficient delivery of services and rule of law. It further strengthens public trust in public institutions thereby building back strong institutions for the public good and sustainable development.

1.2 Functions of the Commission under the Access to Information Act, 2016

The Commission has the following functions under Access to Information Act, 2016: -

- i. To investigate violations of the provisions of the Act;
- ii. To facilitate public awareness and develop programs on the right to access information and the right to protection of personal data;

- iii. To promote the right of access to information in public entities;
- iv. To monitor state compliance with international obligations related to the right to access information and protection of personal data;
- v. To hear and determine complaints and review decisions arising from violations of the right to access information;
- vi. To promote protection of data;
- vii. To submit an annual report to parliament and may, at any time, submit special reports to the Cabinet Secretary (CS) relating to access to information;
- viii. To perform such other function as the Commission may consider necessary for the promotion of access to information.

2.0 REPORTING GUIDELINES FOR PUBLIC ENTITIES AND PRIVATE BODIES UNDER THE ACCESS TO INFORMATION ACT, 2016

2.1 Approach to the Development of the Guidelines

Pursuant to Section 23(7) of the ATI Act 2016, the Reporting Guidelines were developed in a consultative, participatory and all-inclusive manner. A sectoral and two-level Government approach was adopted to ensure that all critical sectors at National and County Government levels were involved in the design of these Reporting Guidelines.

2.2 Purpose of the Reporting Guidelines

These Reporting Guidelines are developed pursuant to Section 23 (7) of Access to Information Act, 2016 which mandates the Commission to develop and publicize guidelines detailing the reporting requirements including the manner, means and timeframes that apply to public entities and relevant private bodies. The purpose of the Reporting Guidelines is to: -

- i. Ensure institutional compliance with the law;
- ii. Provide a standardized framework for reporting by public entities and relevant private bodies;
- iii. Guide public entities and relevant private bodies to provide information on a regular basis in a standardized method;
- iv. Inform planning and policy formulation.

2.3 Key Values in Reporting Guidelines

The implementation of the guidelines shall be guided by the following values:

- i. Inclusivity
- ii. Transparency
- iii. Accountability
- iv. Public empowerment

2.4 Duties and Responsibilities

In order to effectively and efficiently implement these Reporting Guidelines, duties and responsibilities will be executed at two levels:

2.4.1 The Commission

The Commission shall perform the following roles under these guidelines;

- a. Oversee implementation of the Reporting Guidelines.
- b. Develop internal policies and operational procedures to facilitate smooth reporting by public entities and relevant private bodies.
- c. Guide, develop, approve and strengthen the Commission's internal procedures and processes necessary to enable reporting by public entities and relevant private bodies under the Reporting Guidelines.
- d. Execute and communicate the Commission's strategies, decisions and policies related to reporting requirements by public entities and relevant private bodies.
- e. Request, receive and evaluate public entities and relevant private bodies reports under the ATI Act, 2016.
- f. Provide support and guidance to public entities and private bodies in relation to the reporting requirements.
- g. Enforce implementation of the Reporting Guidelines.
- h. Monitor and evaluate reports by public entities and relevant private bodies on statutory requirements relating to reporting under these Guidelines.
- i. Carry out relevant research on the status of reporting under these Guidelines with comparable institutions and other appropriate matters;
- j. Continuously build the Commission's capacity for effective performance.

2.4.2 Reporting Institution's Chief Executive Officer

The Chief Executive Officer or an Officer exercising delegated duties is the Information Access Officer (IAO) and thus may perform the following duties:

- i. Receiving and acknowledging application for access to information.
- ii. Guiding applicants on access to information requirements.
- iii. Conducting interviews for any clarification on the requested information.
- iv. Determining accessibility and location of documents.
- v. Keeping requesters informed about the status of their requests.
- vi. Maintaining the Access to Information Register.
- vii. Monitoring inspection of records by requester.
- viii. Transferring applications to relevant entities for access to information in line with the Act.

- ix. Compiling and submitting to the Commission, the Annual Access to Information Reports on requests pursuant to these guidelines and the ATI Act, 2016.
- x. Advising the Commission Secretary on emerging issues with regard to access to information implementation.
- xi. Facilitating sensitization of the institution's staff on access to information obligations and implementation.
- xii. Taking the necessary steps to ensure that an applicant who is unable to make a written request for access to information because of illiteracy or disability makes the request in a manner that meets their needs and in particular, reducing the request in writing and furnishing the applicant with a copy of the written request.
- xiii. Processing access to information requests, and making decisions on applications.
- xiv. Making decisions on whether to provide access to information, and communicating the decision to the requester.
- xv. Ensuring correction of information at the request of an applicant.

3.0 REPORTING FRAMEWORK

3.1 Reporting Procedures

All Reporting Institutions shall follow the following procedures in relation to reporting under the Access to Information Act, 2016:

i. Data collection in the prescribed template

All Reporting Institutions shall continuously collect data on proactive and reactive disclosure of information in the prescribed templates.

ii. Data Entry

Reporting Institutions shall continuously input the data in the Institution's designated Access to Information Register indicated in Table 1 herein.

iii. Information Accuracy

Reporting Institutions shall continuously ensure that the information and data captured in the ATI Register and Reporting Templates is consistent, accurate and up-to-date.

iv. Preparation of Quarterly Reports

The Information Access Officer (IAO) of a reporting institution shall prepare quarterly reports on access to information implementation.

v. Compiling of Annual Access to Information Report

At the end of every Government financial year (30th June), the Information Access Officer (IAO) of the reporting institution shall prepare and submit the Annual Access to Information Report compiled from all quarterly reports prepared within the ended financial year.

vi. Submission of Annual Access to Information Report

The Information Access Officer (IAO) of the reporting institution shall submit Annual Access to Information Report to the Commission Secretary within the prescribed timeline, in the required format and in the provided reporting template.

3.2 Reporting Process and Reporting Template

- a) All Reporting Institutions are required to submit their Annual Access to

Information Reports in the required format to the Commission Secretary through the email address or CMIS reporting portal link provided in Table 6 within and not later than 15 calendar days after the end of the Government's financial year (15 calendar days from 30th June).

- b) Samples of the reporting templates are indicated in Tables 2 and 3 which shall be kept in digital format by all Reporting Institutions.
- c) All Reporting Institutions shall ensure that the information and data captured in the Reporting Templates is accurate and up-to-date (as at the date of the report) before transmission to the Commission.
- d) The Commission may occasionally and in relevant instances provide additional guidance to Reporting Institutions on the reporting templates to enhance reporting and processing of access to information data.

3.3 Classes of Information to be Reported

The Annual Access to Information Report shall comply with the requirements of Access to Information Act, 2016 and shall contain the following parameters:

- i. Status of the access to information infrastructure, proactive disclosure and records management in the Reporting Institution.
- ii. The number of requests for information received and processed by the Reporting Institution.
- iii. The number of requests for correction of information. (include the corrections in the annexes).
- iv. The number of requests for information transferred.
- v. The number of requests for information concerning life and liberty of a person, and the number of days taken to process the requests.
- vi. The number of determinations made by the Reporting Institution not to comply with the requests for information and the main grounds for such determinations.
- vii. The average number of days taken by the Reporting Institution to process different types of requests.
- viii. The total amount of fees collected by the Reporting Institution in processing requests.
- ix. The number of full-time staff of the Reporting Institution devoted to processing requests for information.
- x. Challenges experienced in implementation of access to information, measures taken by the institution to mitigate the same and any

- recommendations to enhance implementation.
- xi. Any other additional information: A Reporting Institution is at liberty and is encouraged to provide any other additional relevant information as it may deem fit. Likewise, the Commission shall be at liberty to seek other additional relevant information from any Reporting Institution as it may deem fit.

NOTE: It is important to note that all these reporting requirements may not apply to all reporting Institutions uniformly and thus any requirement which is not applicable to a reporting institution may be omitted from the Institutional report.

3.4 Accuracy of Reported Information

All information contained in the reports must be reliable. If there is any doubt with respect to the accuracy of the information, the Reporting Institution needs to indicate this in an accompanying letter to the Commission. The CEO of the Reporting Institution shall confirm in writing the correctness and accuracy of the information and/or data entered in the Report before sending the report to the Commission. In the event the Reporting Institution knowingly submits manipulated or false information, the Commission has the right to initiate appropriate action against the Reporting Institution or the CEO as stipulated by the ATI Act, 2016 and other enabling laws.

4.0 MONITORING AND EVALUATION

This section provides guidance on how the Commission will monitor and evaluate Reporting Institutions in relation to the reporting requirements.

4.1 Monitoring

- i. **Submission of Reports:** Reports on Access to Information shall be submitted annually in compliance with the Access to Information Act, 2016 to the Commission.
- ii. **Mode of Reporting:** Reports shall be submitted via e-mail or CMIS reporting portal link in required form as provided in the annexures of these Reporting Guidelines.
- iii. **Submission Timeline (deadline):** Every Reporting Institution shall submit its Annual Access to Information Report within and not later than 15 calendar days after the end of the Government's financial year (15 calendar days from 30th June).
- iv. **Late Submission of Reports:** The Commission may accept submission of a report after lapse of the submission timeline but such will attract a penalty of deduction of up to 15 marks from the overall score obtained calculated on the basis of the number of days taken until submission after the deadline. No Report will be accepted after lapse of 15 calendar days from the deadline of submission, i.e. 30th July.
- v. **Failure of Submission of Report:** In case a Reporting Institution fails to submit the Annual Access to Information Report within the stipulated submission timeline, or within the extended late submission period, the Commission shall take appropriate action as prescribed under the section on penalties.
- vi. **Timely Feedback:** The Commission shall provide timely feedback through email on the reports to Reporting Institutions within 30 calendar days after the submission timeline or 30 calendar days after the extended deadline for late submission as the case may be.
- vii. **Compliance Certificate:** The Commission shall issue a compliance certificate for the reported financial year to a reporting institution that has complied with the requirements stipulated in these Reporting Guidelines indicating the Institutional performance on the Reported Parameters as well as the overall performance in implementation of the Access to Information Act.

- viii. To monitor improvement and cross-organizational learning, the Commission may generate the following sub-reports:
 - a. *Progress Reports*: Comparisons of different indicators of a single entity over time;
 - b. *Single Indicator Reports*: Comparison of several indicators of several entities over time;
 - c. *Comparison Reports*: Comparison of several indicators of several entities in a certain year;
 - d. *Sector Summary Reports*: Accumulated indicators and totals for the whole country;
 - e. *Completeness Reports*: Show entities not having delivered their reports
 - f. Any other report that the Commission may deem fit.

4.2 Evaluation Criteria

Reporting Institutions shall be evaluated based on the following criteria which translates to 100% implementation of ATI Act, 2016 at the Institutional level:

- i. Existence of access to information infrastructure [see table 2]:
 - a. Published and publicized Institution's Access to Information focal point(s) and/or mechanisms including regions if any;
 - b. Access to Information Register;
 - c. Institutional work plan detailing access to information programs and activities;
 - d. Sensitization of the staff on access to information implementation;
 - e. Training of access to information focal points on access to information implementation.
- ii. Implementation of guidelines and standards on proactive disclosure and records management [see table 2]
 - a. Disclosed information as required by section 5 of Access to Information Act, 2016:
 - Published, publicized and up-to-date Institutional information including contact details and physical address of headquarters and regions (if any);
 - Decision making procedures including channels of supervision;
 - Salary scale of officers by grade;
 - Operational documents on dealing with public and other

- stakeholders;
- Published procurement information (contracts details).
- b. Published and publicized Policies and procedures on information disclosure, management and storage;
- c. Standards on records management:
 - Published and publicized up-to-date guide on information held;
 - Records retention and disposal policy and procedures;
 - Measures on computerization of records and automation of information systems.
- d. Measures to enhance access to information by persons with disabilities.
- iii. Annual Access to Information Report on Requests for Information and Reporting [see table 3]:
 - a. Preparation and submission of disaggregated data on all requests on information as required by template table 3.
 - b. Submission of Annual Access to Information Report in full compliance with these Guidelines [tables 2 and 3].

Computation of Scores

NO	REPORTING PARAMETER	SCORE
1	Access to information infrastructure	25 Marks
2	Proactive disclosure and records management implementation	55 Marks
3	Annual ATI Reports and Reporting	20 Marks
	Total	100 Marks

5.0 PENALTIES

This section highlights sanctions the Commission may institute against Reporting Institutions that do not comply with provisions of the Reporting Guidelines.

- i. Deduct up to 15 marks from the overall score obtained for late submission of reports. This will be calculated on the basis of the number of days taken until submission of the report after the set deadline. No Report will be accepted after lapse of 15 calendar days after the set submission deadline, i.e. 30th July.
- ii. Withhold compliance certificate at the end of the financial year if a Reporting Institution fails to;
 - a. Respond to the Commission orders;
 - b. Implement the Commission recommendations;
 - c. Honour summons or notice to show cause from the Commission;
 - d. Comply with the Reporting Guidelines;
 - e. Submission of false or misleading Annual Access to Information Report.
- iii. Take appropriate action as provided for under sections 18 and 28 of the Access to Information Act, 2016.
- iv. Cite the non-compliant Institution in the Commission's Statutory Reports and report such non-compliance to Parliament or to relevant regulatory bodies in the case of a private body.
- v. Issuance of compliance orders as provided by the Access to Information Act 2016.

6.0 EFFECTIVE DATE AND REVIEW OF THE REPORTING GUIDELINES

This section outlines the effective date of implementation and review of the Reporting Guidelines.

- a. These Reporting Guidelines will be reviewed on a three year basis or when need arises.
- b. These Reporting Guidelines will come into effect after approval by the Commission and upon signature by the Commission Secretary.

Signed

Date.....

MERCY K. WAMBUA, OGW
COMMISSION SECRETARY/CEO
COMMISSION ON ADMINISTRATIVE JUSTICE



Table 2: Annual Access to Information Report: Access to information infrastructure, proactive disclosure and records management in Reporting Institution

Reporting Period/Financial Year: Name of Reporting Institution:	
INSTITUTIONAL INFORMATION	
Ministry/State Department <input type="checkbox"/> State Corporation <input type="checkbox"/> Public University <input type="checkbox"/>	Type of Institution (Tick where applicable) [4] <input type="checkbox"/> Tertiary Institution <input type="checkbox"/> Semi-Autonomous Govt Agency <input type="checkbox"/> County Government <input type="checkbox"/> Private Body <input type="checkbox"/> Others (specify) -----
INDICATORS	
1: Access to Information Infrastructure	
Has the Institution established or reconstituted any of the following ss to information Infrastructures: - Access to information focal person (s) - or Access to information unit or - Access to Information Committee	[Yes] [No] Mention specific measure(s)
Does the Institution have Access to Information Register (For internal uses only, not for submission to the Commission).	[Yes] [No]
Were access to information activities included in the annual work plan?	[Yes] [No] Mention specific programs/activities on ATI
Were the members of the infrastructure in (1A) above sensitized on access to information?	[Yes] [No] Give details of training if any including the nature and dates
Have the Institutional Staff been sensitized on access to information?	[Yes] [No] Give details of sensitization if any including dates undertaken
2: Proactive Disclosure and Records Management	

2A. Proactive Disclosure				
i. Information about the Institution	<input type="checkbox"/>	<i>(Tick appropriately)</i>	Indicate measures taken to comply	
ii. Published, publicized and up-to-date Institution's contact details including physical address of headquarters and regions (if any)	<input type="checkbox"/>			
iii. Decision making procedures including channels of supervision	<input type="checkbox"/>			
iv. Salary scale of officers by grade	<input type="checkbox"/>			
v. Operational documents on dealing with public and other stakeholders	<input type="checkbox"/>			
vi. Public procurement information	<input type="checkbox"/>			
o Advertisements	<input type="checkbox"/>			
o Required details on signed contracts (the public works, good acquired or rented)	<input type="checkbox"/>			
2B. Published and publicized policies and/or procedures on access to information, information management and information storage	<input type="checkbox"/>	<input type="checkbox"/>	Mention the specific policies and/or procedures, when published and the medium of publication (include links for online documents)	
2C. Standards on records management	<input type="checkbox"/>	<input type="checkbox"/>	Mention the name of the Guide, when published and the medium of publication (included link for online document)	
i. Published and publicized up-to-date Guide on information held	<input type="checkbox"/>	<input type="checkbox"/>	Mention the name of the policy, when published or reviewed	
ii. Records retention and disposal policy and procedures	<input type="checkbox"/>	<input type="checkbox"/>	Mention specific measures	
iii. Measures on computerization of records and automation of information systems	<input type="checkbox"/>	<input type="checkbox"/>	Mention the measure(s) taken, when and progress made in implementing the measure(s)	
2D. Access by Persons with disabilities	<input type="checkbox"/>	<input type="checkbox"/>	Mention the measure(s) taken, when and progress made in implementing the measure(s)	
Measures to enhance access to information by persons with disabilities				
3. Please highlight some of the emerging issues, challenges faced in the process of implementing proactive disclosure and records management including any recommendations thereof				
.....				
4. I certify that the Annual Access to Information Report submitted to the Chief Executive Officer/Commission Secretary, Commission on Administrative Justice is accurate.		Signature:.....	Date:.....	
Reporting Institution's Contact Details		Name of the Chief Executive Officer		
		Note: This Reporting Tool should be signed and stamped by the Chief Executive Officer of a Reporting Institution		
Reporting Institution's Contact Details		Name of Institution	Physical address	postal and Telephone Number
				and Email Address



Table 3: Annual Access to Information Report (Requests for information)

Reporting Period:

Name of Reporting Institution:

Name of Institution (Tick where applicable)

	State		Tertiary Institution		Semi-Autonomous Govt. Agency		County Government		Private Bodies.....		Others (specify)	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Factors	Sex		Age Category		Persons with Disabilities		Persons With Disabilities		Total			
	F	M	Below 35	35 & Above	F	M	Below 35	35 & above				
number of requests received												
number of requests regarding correction of personal information												
number of requests granted												
average number of days taken to process the requests												
number of requests transferred												
number of requests declined												
number of pending requests												
number of requests deferred												
amount of fees collected from requests (Ksh)												
Please highlight some of the emerging issues or challenges faced in the process of implementing requests for information											
I certify that the report submitted to the Secretary, Commission on Administrative Justice is accurate												
This reporting tool should be signed and stamped by the Chief Executive Officer.												
Name of the Chief Executive Officer:	Signature:	Date:										
Name of Reporting Officer	Designation	Telephone Number	Email Address	Date								

Table 4: Evaluation Criteria

Indicator	Sub-indicators as per Reporting Tools	Variables in the Reporting Template	Weight/Score
Part 1: Access to Information Infrastructure			
Access to Information Infrastructure	1A: Establishment or reconstitution of any of the following: i. Access to information focal person (s) or ii. Access to information unit or iii. Access to Information Committee	✓ Infrastructure	5
	1B: Presence of Access to Information Register (For internal purposes only, not for submission to the Commission).	✓ ATi register (manual/digital)	5
	1C: Annual work plan with ATi programs/activities	✓ programs/activities on ATi	5
	1D: Trained ATi Infrastructure	✓ Training	5
	1E: Sensitization of Institutional Staff on ATi	✓ Sensitization forums	5
	Part 2: Proactive Disclosure and Records Management		
Proactive Disclosure of Information	i. Information about the Institution	✓ Up-to-date information ✓ Medium and accessibility by all citizens	2
	ii. Institution's contact details including physical address of headquarters and regions (if any)	✓ Contact details ✓ Published and up-to-date	2
	iii. Decision making procedures including channels of supervision	✓ Institutional policies, laws, rules, regulations, SOPs etc ✓ Published	2
	iv. Salary scale of officers by grade	✓ Salary scales ✓ Published	2
	v. Operational documents on dealing with public and other stakeholders	✓ Institutional policies, laws, rules, regulations, SOPs etc ✓ Published	2
	vi. Public procurement information o Advertisements	✓ Advertisised tenders	2

	0	Required details on signed contracts (the public works, good acquired or rented)	<ul style="list-style-type: none"> ✓ public works, goods acquired or rented, and the contracted service and terms of reference; ✓ contract sum; ✓ name of the service provider or contractor; ✓ periods for completion of the contract. 	8
Policies and/or procedures implementing access to information		Policies and/or procedures on access to information, information management and information storage	<ul style="list-style-type: none"> ✓ Policies Published 	10
Standards on records management	i.	Published and publicized up-to-date Guide on information held	<ul style="list-style-type: none"> ✓ Guide on information held, published and up-to-date 	5
	ii.	Records retention and disposal policy and procedures	<ul style="list-style-type: none"> ✓ Policy Published 	5
	iii.	Measures on computerization of records and automation of information systems	<ul style="list-style-type: none"> ✓ measure(s) implementation progress 	10
Access by Persons with disabilities		Measures to enhance access to information by persons with disabilities	<ul style="list-style-type: none"> ✓ measure(s) Implementation progress 	5
RT 3: Annual Access to Information Report on Request and Reporting				
Annual Access to Information Report on Request and Reporting	3A: Annual ATI Report on requests for information		<ul style="list-style-type: none"> ✓ Report ✓ Disaggregated data ✓ Compliance with Guidelines 	15 Marks
	3B: Full Annual ATI Report (ATI infrastructure, proactive & records management and requests for information)		<ul style="list-style-type: none"> ✓ Full Report ✓ Compliance with Guidelines 	5 Marks
				100 Marks

Table 5: Where to Submit Institutional ATI Report

POSTAL ADDRESS	
COMISSION ON ADMINISTRATIVE JUSTICE WEST END TOWERS, 2ND FLOOR, WAIYAKI WAY WESTLAND P. O. BOX 20414-00200 NAIROBI	
OTHER COMMUNICATION CHANNELS	
TELEPHONE NUMBER	+2540202274046
EMAIL ADDERSS	atireporting@ombudsman.go.ke
TOLL FREE NUMBER	0800221349
SMS SHORT CODE NUMBER	15700
WEBSITE	www.ombudsman.go.ke
MDAs reporting portal on the Complaints Management Information System (CMIS)	cmis.ombudsman.go.ke

	Approved by: COMMISSION SECRETARY / CEO Signature Date of Issue	