

THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)



Hata Mnyonge ana Haki

REPUBLIC OF KENYA
COMMISSION ON ADMINISTRATIVE JUSTICE
(OFFICE OF THE OMBUDSMAN)

ATI REVIEW APPLICATION NO. CAJ/ATI/M.INT/062/50/2025-MW

ABDIAZIZ HASSAN AHMED APPLICANT

VERSUS

OFFICE OF THE DEPUTY COUNTY COMMISSIONER

WAJIR NORTH SUB-COUNTY RESPONDENT

RULING

A. BACKGROUND

1. The Commission on Administrative Justice (Office of the Ombudsman) (hereinafter referred to as "the Commission") is established under *Article 59(4) of the Constitution of Kenya, 2010* and the *Commission on Administrative Justice Act, 2011*. The Commission is mandated to address maladministration in the public sector and promote administrative justice, transparency, and accountability in public administration. In addition, the Commission serves as the oversight and enforcement body for the right of access to information under *Article 35 of the Constitution*, as operationalized through the *Access to Information Act, 2016* (hereinafter referred to as *ATI Act, 2016*).
2. *Article 35* of the Constitution guarantees every citizen the right 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.

B. FACTS OF THE REVIEW APPLICATION

3. The Commission on 10th February 2026, received an application under *Section 14(1) (a) of the ATI Act, 2016* from the Applicant herein to review the Respondent's decision declining to grant access to various sets of information relating to special relief food disbursement program in Wajir North Sub-County.
4. The Applicant through letters dated 29th December 2025 and 18th December 2025 sought the following information: -
 - a. The total number of bags of rice and beans received including copies of the delivery notes, waybills and acknowledgment documents;
 - b. Dates of distribution;
 - c. Locations that benefited and allocations per location;
 - d. Names of elders or representatives who received the relief;
 - e. Names of beneficiaries per location;
 - f. Registration number of vehicles used and names of drivers involved;
 - g. Minutes of committee meetings approving the disbursement;
 - h. Stakeholders involved in distribution; and
 - i. The detailed distribution plan.
5. *Section 22(3)(a) of ATI Act, 2016* empowers the Commission to call for information or report regarding a complaint lodged with it from a public entity or private body.
6. Upon receipt of the Application, the Commission through an Access to Information Notice dated 2nd February 2026, notified the Respondent of

the Application for review pursuant to Section 22(3) of the ATI Act, 2016 and Regulation 25(1) ATI General Regulations, 2023 and requested for an Institutional Report or further information relevant to the request.

7. The Respondent replied to the Commission through a letter Ref: *W.N/S.12/Vol/3/69* dated 4th March 2026. Upon receipt of the response thereof, the Commission noted that the information on relief food beneficiaries' distribution and relief food Committee per location contained telephone and national identification card numbers of third parties which was exempt from disclosure by virtue of Section 6(1)(d) of the *ATI Act, 2016*.
8. Consequently, through a further Access to Information Notice dated 24th March 2026, the Commission advised the Respondent to provide redacted versions of the lists of relief food beneficiaries distribution and relief food Committee per location within fourteen days of receipt.
9. The Respondent through a letter Ref: *WN/S.12/VOL III/72* dated 8th May 2026, provided the redacted lists. Thereafter, the Commission forwarded to the Applicant the response through a notification of response dated 25th May 2026 alongside all documents availed through letters dated 8th May 2026 and 4th March 2026. The notification of a response also required the Applicant to submit a rejoinder if any within fourteen days thereof to enable appropriate decision on the Application.
10. The Applicant through a letter dated 28th May 2026, confirmed receipt of the responses and stated that the same were satisfactory hence requested the application herein to be closed.

C. COMMISSION DECISION

11. Having made a careful analysis of the facts and information provided in this review application, the Commission, pursuant to the powers granted by Sections 22(3)(a)(ii) and Regulation 25(10) of the Access to Information (General) Regulations, 2023, **DECIDES:**

- i. **THAT** the responses dated 4th March 2026 and 8th May 2026 provided by the Respondent sufficiently addressed the Applicant's request for information dated 18th December 2025 and 29th December 2025.
- ii. **THAT** the present Review Application stands resolved and marked as closed.

Dated, Signed and **Issued** at **Nairobi** this...9TH day of**JULY**.....2026



DOROTHY JEMATOR
ACCESS TO INFORMATION COMMISSIONER

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."***