

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/KMPDC/012/80/2025

DR. KAHURA MUNDIA.....APPLICANT

VERSUS

KENYA MEDICAL PRACTITIONERS AND DENTISTS COUNCIL..... 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* and the *Commission on Administrative Justice Act, CAP. 7J*. 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, CAP. 7M* (hereinafter referred to as “the ATI Act”).
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.

3. Access to information is the cornerstone of democratic governance and accountability. Public entities hold information in trust for the people of Kenya, and disclosure of such information enhances transparency in public administration, promotes responsible management of public resources, and enables citizens to meaningfully participate in governance.

B. FACTS OF THE REVIEW APPLICATION

4. On 4th April 2025, the Applicant lodged an application with the Commission seeking a review of the decision by the Respondent to reject his request for information. The Applicant stated that he had submitted his request to the Respondent through a letter dated 6th March 2025, but had not received a response despite the lapse of 21 days.
5. In his request for information dated 7th March 2025, sought the following sets of information:
 - a. Certified copies of minutes of a meeting held with the regulator on the misregulation (*sic*) of dentistry on 27th February 2025 on the illegal licensure against court orders and revocation of scopes of practice published for dentistry and community oral health officers.
 - b. Certified copies of the curricular from Kenya Medical and Training College (KMTC) and Mount Kenya University (MKU) on the training of Community Oral Health Officers, (COHOs) Diploma and Degree courses as deposited with the regulator.
 - c. Certified copies of the regulator issued internship logbook for Kenya Medical and Training College (KMTC) and Mount Kenya University (MKU) Community Oral Health Officers, and dental officers trained in the course Bachelor of Dental Surgery.

- d. Certified copies of the scope of practice for dental practitioners/dentists and community oral health officers.
 - e. Certified recent reports of inspection of the training facilities at KMTTC and Mount Kenya University on the training of dentistry and /or community oral health programs, and copies of inspection from public universities training the course Bachelor of Dental Surgery. “
6. The Commission issued a Notice to the Respondent dated 24th April 2025 notifying the Respondent of the application and requiring them to file an institutional report together with any relevant information within seven (7) days, pursuant to *section 22(3)(a) of the ATI Act, 2016* and *Regulation 25(1) of ATI General Regulations, 2023*.
7. The Respondent submitted a response dated 30th April 2025, in which they confirmed receipt of the Applicant's request for information. The Respondent stated that the Applicant's request for information related to a case which had been filed in court by the Kenya Dental Association (hereinafter referred to as “the KDA”) against the Respondent, being **HCCHRPET/E143/2025**. The Respondent further stated that the Applicant was then the Vice President of the KDA.
8. The Respondent stated that whereas it recognized every citizen's right to information, it was aware of the limitations thereof. The Respondent cited the limitations on disclosure which may impede the due process of law, and disclosure which may significantly undermine a public or private entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration. Further, the Respondent cited the limitation on disclosure which may damage a public entity's position in any actual or contemplated legal proceedings. Based on this,

the Respondent stated that it could not grant the Applicant's request because it would be prejudicial to the case before the high court.

9. Through a letter dated 2nd May 2025, the Commission acknowledged the response and transmitted a copy to the Applicant for his attention and reply. No reply or additional information was provided by the Applicant following this communication.

10. Based on the foregoing, and pursuant to the Commission's powers and functions on review of decisions and inquiry into complaints under *Sections 14, 22 and 23 of the ATI Act*, the Commission proceeds to make a determination on the application for review.

C. ISSUES FOR DETERMINATION

11. Upon careful consideration of the application for review dated 4th April 2025, the Applicant's request for information dated 6th March 2025 and the Respondent's response dated 30th April 2025, the Commission frames the following issues for determination:

- i. Whether the Commission has jurisdiction to consider the review application before it;
- ii. Whether the information requested by the Applicant is held by the Respondent; and
- iii. Whether the Respondent has a duty to disclose the information sought.

D. ANALYSIS OF FACTS, ISSUES AND FINDINGS

i. Whether the Commission has Jurisdiction to Consider the Review Application Before it.

12. The Commission's review mandate is guided by *Article 35 of the Constitution of Kenya*, the provisions of the *ATI Act, 2016* and the provisions of the constitutive law being the *Commission on Administrative Justice Act, 2011* among other relevant laws. Pursuant to *Article 35 (1) of the Constitution of Kenya*, every citizen is entitled to;

(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.

This provision is restated in *Section 4(1)(a) and (b) of the ATI Act*.

13. In particular, *Section 14(1)* of the *ATI Act* mandates the Commission to review decisions of a public entity or private body, within the meaning of *Section 2* of the Act, in relation to a request for access to information. The provision sets out the categories of decisions in respect of which an application for review may be made. Further, *Section 14(3)* empowers the Commission, on its own motion, to review a decision by a public entity refusing to publish information required to be published under the Act.

14. It follows that, in determining whether we have jurisdiction over an application for review under *Section 14(1)*, the Commission must be satisfied that: first, the request for information was made by a citizen; second, the request was directed to a public entity or private body within the meaning of *Section 2* of the *ATI Act*; and third, the decision complained of falls within one of the categories contemplated under *Section 14(1)* of the Act.

15. The first issue for determination is whether the Applicant is a citizen for purposes of *Article 35* of the Constitution and the *ATI Act*. The Respondent has not disputed the Applicant's citizenship. Further, in its response dated 30th April 2025, the Respondent identified the Applicant as the then Vice President of the KDA and acknowledged that he was entitled, as a citizen, to the right of access to information, subject to the limitations prescribed by law. In the circumstances, and in the absence of any contrary evidence, the Commission is satisfied that the Applicant meets the citizenship requirement for purposes of *Article 35* and the *ATI Act*.
16. The second issue is whether the Respondent is a public entity within the meaning of the *ATI Act, 2016*. *Article 260* of the Constitution defines "State" as the collectivity of offices, organs and other entities comprising the government of the Republic. The *ATI Act* places the responsibility to provide access to information held by the State on public entities, which are defined under *Section 2* of the Act to include a public office as defined under *Article 260* of the Constitution and an entity performing a function within a commission, office or other body established under the Constitution.
17. *Article 260* of the Constitution defines a "public office" as an office in the national government, a county government or the public service, if the remuneration and benefits of the office are payable directly from the Consolidated Fund or directly out of money provided by Parliament. It similarly defines "public service" as the collectivity of all individuals, other than State officers, performing a function within a State organ.
18. The Respondent is established under *Section 3* of the *Medical Practitioners and Dentists Act, Cap. 253*, as the national regulator of the practice of medicine and dentistry in Kenya. Its functions include establishing and administering standards for the learning and practice of medicine and dentistry. Further, its membership comprises persons appointed by the President and the Cabinet Secretary responsible for

health, while *Section 25* of the Act provides for funding from monies appropriated by Parliament.

19. Having regard to its statutory establishment, regulatory functions, composition and source of funding, the Commission is satisfied that the Respondent performs a public regulatory function and falls within the meaning of a public entity for purposes of the ATI Act.
20. The third issue is whether the decision complained of falls within the Commission's review jurisdiction under *Section 14(1)* of the ATI Act. The present application arises from the Respondent's failure to provide the information sought, which, by operation of *Section 9(6)* of the ATI Act, is deemed to constitute a rejection of the request.
21. In the present matter, the Respondent has acknowledged that it did not grant the Applicant's request for information. The failure to provide the requested information therefore constitutes a decision, or deemed rejection, falling within the scope of *Section 14(1)* of the ATI Act and is consequently amenable to review by the Commission.
22. In view of the foregoing, the Commission is satisfied that the Applicant has invoked the right of access to information under Article 35 of the Constitution and the ATI Act, that the Respondent is subject to the obligations imposed by the ATI Act, and that the impugned decision falls within the categories of decisions that the Commission is empowered to review under *Section 14(1)* of the Act. The Commission therefore has jurisdiction to determine the present application for review.

ii. Whether the information requested by the Applicant is held by the Respondent.

23. *Article 35(1)* of the Constitution of Kenya and *Section 4(1)* of the ATI Act, quoted above, confer the right of access to information on the premise that the information sought is "held" by a public entity or a private body (within the meaning of the ATI Act). Accordingly, the duty to disclose

information arises where the public entity holds the information sought by the applicant.

24. According to the Oxford Advanced Learners Dictionary (9th Edition), the word 'held' is the past tense and past participle of the word 'hold'. The word 'hold' is defined in the Black's Law Dictionary (11th Edition) as '*to possess by a lawful title*' [also] '*to keep in custody or under an obligation*'. In line with this definition, the word 'held' as used in both the *Constitution* and the *ATI Act* connotes that the Respondent must have within its control the information sought, whether as a proprietor or as a custodian.

25. In this matter, the Respondent has not denied holding the information sought. Instead, it has stated that "*it could not grant the request because it could be prejudicial to the matter before the high court*". The Respondent's response implies that it held the information but it could not disclose it to the Applicant due to the limitations cited.

26. Further, an analysis of the afore stated sets of information sought by the Applicant vis-a-vis the nature of the Respondent, its functions, duties, powers and the ordinary course of its business, leads to the conclusion that the information sought is held by the latter.

27. These sets of information relate to the Respondent's functions under *Section 4 of the Medical Practitioners and Dentists Act*, which include to:

- (a) *establish and maintain uniform norms and standards on the learning of medicine and dentistry in Kenya;*
- (b) *approve and register medical and dental schools for training of medical and dental practitioners;*

- (c) prescribe the minimum educational entry requirements for persons wishing to be trained as medical and dental practitioners;*
- (d) maintain a record of medical and dental students;*
- (e) conduct internship qualifying examinations, preregistration examinations, and peer reviews as deemed appropriate by the Council;*
- (f) inspect and accredit new and existing institutions for medical and dental internship training in Kenya;*

28. In view of the foregoing, the Commission is satisfied that the Respondent holds the information requested by the Applicant.

iii. Whether the Respondent has a Duty to Disclose the Information Sought.

29. Upon being satisfied that the Commission has jurisdiction and that the Respondent holds the information sought, the Commission proceeds to consider whether the Respondent's refusal to grant access to the information is justifiable under the *Constitution of Kenya* and the *ATI Act*.

30. Whereas *Article 35 (1) of the Constitution of Kenya* and *Section 4 (1) of the ATI Act* guarantee every person the right to access information held by a public entity, this right is limited in accordance with *Article 24 of the Constitution of Kenya*. Pursuant to *Section 4(4) of the ATI Act*, interpretation and application of the Act must be on the basis of a duty to disclose and non-disclosure should be permitted only in circumstances exempted under *Section 6* thereof.

31. *Section 6 (1) of the Act* provides as follows:

(1) Pursuant to Article 24 of the Constitution, the right of access to information under Article 35 of the Constitution shall be limited in respect of information whose disclosure is likely to—

- (a) undermine the national security of Kenya;*
- (b) impede the due process of law;*
- (c) endanger the safety, health or life of any person;*
- (d) involve the unwarranted invasion of the privacy of an individual, other than the applicant or the person on whose behalf an application has, with proper authority, been made;*
- (e) substantially prejudice the commercial interests, including intellectual property rights, of that entity or third party from whom information was obtained;*
- (f) cause substantial harm to the ability of the Government to manage the economy of Kenya;*
- (g) significantly undermine a public or private entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration;*
- (h) damage a public entity's position in any actual or contemplated legal proceedings; or*
- (i) infringe professional confidentiality as recognized in law or by the rules of a registered association of a profession.*

32. The Respondent has relied on Section 6(1)(b), (g) and (h) of the ATI Act as the basis for declining access. Its position is that disclosure of the information sought could be prejudicial to pending court proceedings. The Respondent stated that the KDA had instituted proceedings against it under case number *HCCHRPET/E143/2025* and that, at the material time, the Applicant was the Vice President of the KDA.

33. The Commission notes that the mere existence of pending litigation does not, justify the exemption condition under Section 6(1)(b), (g) or (h). The Respondent was required to demonstrate, with respect to the particular information sought, that disclosure was likely to result in the harm contemplated by the specific exemption relied upon. A general assertion that disclosure may prejudice pending proceedings is therefore insufficient.

34. This position is consistent with the decision of the Court of Appeal in the matter of **Attorney General v Khalifa & 3 others (Civil Appeal E085 of 2022) [2026] KECA 913 (KLR)**, as follows:

67. *In our considered view, it is not sufficient for a refusal of access to merely state that the information sought to be accessed falls within the exemptions under section 6 of the Act. **The refusal must further provide a substantive explanation of the basis on which the information is classified as exempt. In effect, blanket denials, particularly where multiple and distinct categories of information are sought, would also be insufficient. It is also noteworthy that, when the refusal is challenged in court, the evidential burden rests on the entity declining access, as the handler or custodian of the information sought, to demonstrate through evidence that the information falls within the exemptions under section 6 of the Act.***

35. Similarly, in **Zebedeo John Opore v Independent Electoral and Boundaries Commission**, Mativo, J. held that a respondent seeking to rely on a Section 6 exemption must place sufficient evidence before the decision-maker to demonstrate, on a balance of probabilities, that the information falls within the exemption claimed. A mere recitation of the statutory language, or a bare assertion that the information is exempt, does not discharge that burden.

36. The Commission is mindful, however, that its consideration of an application for review under the ATI Act is not confined to the material placed before it by the parties. Sections 14 and 22 of the *ATI Act* empower the Commission to conduct an inquiry into the matter before it and to make such investigations and inquiries as may be necessary for the proper determination of the application. The Commission's review process is therefore inquisitorial in character and permits it, where necessary, to establish relevant facts in order to determine whether a claimed exemption is applicable.

37. In the present matter, the Respondent relied substantially on the existence of court proceedings as the basis for non-disclosure. The Commission therefore considered it necessary, in the exercise of its statutory mandate, to establish the existence and nature of the proceedings relied upon by the Respondent. This inquiry was undertaken to ascertain the factual context against which the claimed exemptions fall and not to relieve the Respondent of its statutory burden of demonstrating the applicability of the exemptions relied upon.

38. The Commission has utilized the online portal run by the Judiciary of Kenya to access information relating to the case cited by the Respondent. In particular, the Commission searched the '*Judiciary Kiosk*' accessible on the Judiciary of Kenya's electronic filing portal, to obtain the information. The portal is accessible to the public and enables every person to access certain particulars of cases filed in the courts.

39. Based on the search, the Commission has indeed established that the court case cited by the Respondent exists and, to a great extent, relates to the information sought by the Applicant. The Commission has been able to obtain the particulars of the Petition filed by the KDA in the said Milimani **HCCHRPET/E103/2025**, and has noted that the latter sought to

challenge the decisions and actions of the Respondent on the practice of dentistry by community oral health officers. In particular, the KDA, on behalf of dentists in Kenya, was aggrieved that the Respondent had approved a scope of practice by community oral health officers (herein after referred to as "COHOs"), which in the former's view was allowing the COHOs to undertake dental health services without undertaking the relevant clinical training.

40. The KDA's position in the said Petition is that the training of COHOs is centred on oral health promotion and oral disease prevention, and that holistic dental care services require the clinical training undertaken by Dentists. Further, it urges that the impugned scope of practise for COHOs is a threat to Kenyan's right to access the highest attainable standards of health and the right to consumer protection, because they will be exposed to dental health care by unqualified practitioners.

41. The Commission further established the existence of subsequent proceedings, being **Milimani HCCHRPET/E499/2026**, instituted by the Applicant, the KDA and another party against the Respondent, the Cabinet Secretary for Health and another respondent. Those proceedings similarly concern the Respondent's publication of a scope of practice for COHOs and raise issues substantially connected to those arising in the earlier proceedings.

42. The Commission's inquiry established that there is a factual and subject-matter connection between the information sought in the present application and the court proceedings. The information sought includes information relating to the approved scope of training and practice for COHOs and dentists, the training and internship arrangements applicable to the two categories, inspection of training institutions, and discussions concerning the regulation and scope of practice of COHOs.

43. The Commission must nevertheless consider and distinguish between the fact that the information relates to pending proceedings and further whether disclosure of the information requested is likely to cause the specific harm contemplated by Section 6(1)(b), (g) or (h). The Commission shall consider each exemption separately and determine whether the requisite harm has been demonstrated in the circumstances of this matter.

i) Section 6(1)(b): Where Disclosure would Impede the Due Process of Law

44. First, the Commission will consider whether disclosure of the information is likely to impede the due process of law as contemplated under Section 6(1)(b) of the ATI Act. According to the *Black's Law Dictionary*, 11th Edition, due process is defined as:

The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case. – Also termed due process of law; due course of law.

45. In the Oxford Advanced Learners Dictionary, 9th Edition, the word impede has been defined as “to delay or stop the progress of sth [something], syn [synonymous to] hinder, hamper”. To justify this limitation in relation to the case cited, the Commission needs to be satisfied that disclosure of the information sought was likely to hinder the conduct of the court proceedings in accordance with the established rules and principles.

46. The conduct of civil proceedings before the courts is guided by an elaborate framework contained in the Constitution of Kenya and

Statutes, covering both the procedural and substantive aspects. This includes the right to access justice under *Article 48 of the Constitution*, the right to a fair hearing under *Article 50(1)*, the principles guiding judicial authority under *Article 159 of the Constitution*, the rules of procedure under *The Civil Procedure Act, Cap 21* and *Civil Procedure Rules*, the rules of evidence under the *Evidence Act, Cap 80* and, in the case of constitutional petitions for enforcement of human rights, the *Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules (Mutunga Rules)*, among other laws.

47. For disclosure of information to impede the due process of law in the conduct of a court case, the Commission needs to be satisfied that the operation of the rules and procedures outlined in the aforementioned elaborate legal framework will be hindered or hampered. Section 22 of the *Civil Procedure Act*, provides as follows:

“Subject to such conditions and limitations as may be prescribed, the court may, at any time, either of its own motion or on the application of any party—

*(a) **make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;***

(b) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;

(c) order any fact to be proved by affidavit.”

48. The import of this provision is that the court seized of a civil dispute has express statutory powers to regulate the disclosure and production of

material relevant to the determination of the dispute. These powers extend beyond discovery in the narrow sense and include inspection and production of documents, as well as the power to summon persons to produce documents or other material objects. The provision therefore establishes the court as the appropriate forum for determining whether documents relevant to a pending civil dispute should be disclosed or produced, and the manner and extent of such production.

49. This framework is complemented by the *Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules (Mutunga Rules)*, which provide for production of documents during the conduct of proceedings in a constitutional petition. The framework contemplates the powers of the court to give appropriate directions concerning the disclosure and production of evidentiary information necessary for the fair and efficient determination of a case. The term “due process” refers to the conduct of legal proceedings in accordance with established rules and principles for the protection and enforcement of rights, including the right to notice and a fair hearing before a competent tribunal.

50. The Commission considers that it would be inappropriate, and potentially prejudicial to the interests of parties whose rights may be affected, to determine through an ATI review application, questions concerning the disclosure and production of the information directly related to the pending court case. The existence of an ATI mechanism does not confer upon the Commission a parallel jurisdiction over matters falling within the procedural control of the court seized of the dispute. Where information sought comprises documents or other material intended for use in pending proceedings, questions concerning their relevance, discoverability, admissibility, disclosure, production and

appropriate use are more appropriately determined by that court in accordance with the applicable civil procedure, where all affected parties have an opportunity to be heard.

51. The Commission is therefore of the view that, having regard to the pending court proceedings, any request for discovery, inspection or production of documents for purposes of those proceedings should be addressed before the court seized of the matter. That court is best placed to determine the relevance of the documents to the issues before it, whether they ought to be disclosed or produced, and the appropriate conditions, if any, governing their use.

52. Accordingly, to forestall the likelihood that disclosure of information by a public entity or relevant private body may impede the due process of law in the context of court proceedings, an applicant seeking information to assist in preparing a case or pleadings should, where practicable, seek the relevant information **BEFORE** instituting proceedings. While the Commission may, in the exercise of its review jurisdiction, compel disclosure where no applicable exemption arises, its power to do so is ousted once proceedings concerning the subject matter of the information sought have been instituted, particularly where disclosure would interfere with or circumvent the procedural mechanisms governing those proceedings.

ii) Section 6(1)(g): Where disclosure is likely to significantly undermine an Entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration

53. The second limitation cited by the Respondent is that disclosure of the information is likely to significantly undermine a public or private entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration. This limitation applies where a public entity is actively deliberating a matter with respect to which information is sought, and where a final decision or conclusion on the matter is yet to be made. This is to allow the public entity the necessary space to make objective decisions and exercise lawful discretion without interference by a third party. It also serves to preserve the integrity of administrative processes and decisions.

54. The onus was on the Respondent to demonstrate that it was actively engaged in deliberations on a matter with respect to which the sets of information sought relate. The Commission cannot deduce this position from the established particulars of the court case cited by the Respondent. Accordingly, the Commission is not satisfied that disclosure of the information sought was likely to give rise to the circumstances of the exemption under *Section 6(1)(g) of the ATI Act*.

iii) Section 6(1)(h): Where Disclosure is Likely to Damage an Entity's Position in Actual and Contemplated Legal Proceedings

55. The final limitation cited by the Respondent is that disclosure of the information sought was likely to damage its position in actual and contemplated legal proceedings, as provided under *Section 6(1)(h) of the ATI Act*. Whereas the Respondent has not explained how the disclosure was likely to damage its position in the cited court case, the Commission notes that the position taken by a party in court proceedings is a matter of strategy and every party is at liberty to determine its own pleadings. The Commission also recognizes the

likelihood that, demonstrating the damage likely to be caused to a public entity's position in legal proceedings could actually expose the very information intended to be protected against disclosure.

56. Further, the Commission notes that there exists an elaborate legal framework relating to the conduct of civil proceedings, as already mentioned above, which provides for the production of documents and methods of compelling a party to do so. There are also elaborate considerations under the Evidence Act, on the treatment of information or facts deemed to be within the special knowledge of a party. While balancing the obligation to protect a public entity's position in actual legal proceedings, within the circumstances of this case, on the one hand, with the importance of accessing information to promote transparent and accountable government, and the people's enjoyment of their rights under the Bill of Rights on the other, the Commission takes comfort in the existence of the alternative methods in the civil process.

57. In the circumstances, the Commission finds that the Respondent has demonstrated, in relation to the information that directly concerns the issues presently before the court, that disclosure is likely to damage its position in the pending proceedings. The exemption under *Section 6(1)(h)* is therefore applicable to that information.

58. Having regard to the foregoing analysis, and noting that the information sought is substantially connected to the pending court proceedings, the Commission is satisfied that its disclosure through the ATI process is likely to impede the due process of law within the meaning of *Section 6(1)(b)* and to damage the Respondent's position in the pending proceedings within the meaning of *Section 6(1)(h)* of the *ATI Act, 2016*. Accordingly, the Respondent's decision to withhold the information is justified. The

Applicant remains at liberty to seek disclosure of the information before the court seized of the proceedings.

E. FINAL ORDERS

59. Having made a careful analysis of all the facts and information provided in this review application, the Commission, pursuant to the powers granted by Sections 22(3)(a) and 23(2)c of the *ATI Act, 2016* and Regulation 25(10) of the *Access to Information (General) Regulations, 2023*, hereby dismisses the Review Application dated 4th April 2025.

Dated, Signed and **Issued** at **Nairobi** this.....**24TH** ... day of**AUGUST**.....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.**”]

Section 23 (5) of the ATI Act, 2016 provides that “If no appeal is filed under subsection (3), the party in favour of whom the order is made by the Commission may apply ex-parte by summons for leave to enforce such order as a decree, and the order may be executed in the same manner as an order of the High Court to the like effect.”