

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/PSC/016/32/26-MW

EDWARD WACHIRA.....APPLICANT

VERSUS

PUBLIC SERVICE COMMISSION.....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 under *Section 14(1) (a)* of the *ATI Act, 2016* from the Applicant to review the Respondent's decision declining to grant access to a redacted copy of liabilities declared under the Conflict-of-Interest Act submitted by xxxx, Senior Assistant Commissioner of Prisons acknowledging indebtedness to the Applicant's Company, Dewdrop Enterprises Limited. The Applicant had sought information through letters dated 1st February 2026 and 16th January 2026.
4. *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.
5. Upon receipt of the Application, the Commission through an Access to Information Notice dated 20th 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.
6. The Respondent through a letter referenced *PSC/VE/4/ (126)* dated 4th April 2026, informed the Commission that it had considered the request for information and released the information sought to the Applicant through a letter referenced; *PSC/VE/4/ (125)* dated 2nd April 2026.
7. Upon receipt of the Respondent's response, the Commission through a notification of response dated 16th April 2026 forwarded to the Applicant

the Respondent's response and required a rejoinder if any to be submitted within fourteen days to enable appropriate decision on the Application.

8. The Applicant through an email to the Commission dated 25th April 2026, confirmed receipt of the Respondent's letter dated 2nd April 2026 and stated that the same was satisfactory hence requested the present application to be closed.

C. COMMISSION DECISION

9. 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 response dated 2nd April 2026 provided by the Respondent sufficiently addressed the Applicant's request for information dated 16th January 2026 and 1st February 2026.
- 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.**"