



DATA AND INFORMATION SHARING POLICY

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Acronyms

DPA - Data Protection Act

AIA - Access to Information Act

KENIC - Kenya Network Information Centre

Introduction

1. The Kenya Network Information Centre (KENIC) is a company limited by guarantee established through the facilitation of the Communications Authority of Kenya (CAK) and was issued with its license by the authority on 16th December 2015 pursuant to the provisions of Sections 83D(1)(b) and 83F of the Kenya Information and Communications Act and the Kenya Information and Communications (Electronic Certification and Domain Name Administration) Regulations, 2010. Its general mandate is to manage and administer the dot ke Country Code Top-Level Domain (.ke ccTLD) name. It operates in a form of public-private partnership created as the initial step in facilitating the growth and uptake of the Internet sub-set ICT in Kenya.
2. Its specific mandate includes:
 - a) Developing and promoting the .ke ccTLD;
 - b) Creating a technological infrastructure for the efficient administration of the .ke ccTLD;
 - c) Managing the .ke TLD, its second level domains and local domains effectively;
 - d) Creating a cost-effective environment for the effective growth of .ke;
 - e) Notifying the Internet Corporation for Assigned Names and Numbers (ICANN) of any changes to contact information about .ke;
 - f) Allowing ICANN to access .ke zone files and registration data;
 - g) Meeting all the registration and financial obligations of ICANN;
 - h) Abiding with all global ICANN Internet policies; and
 - i) Assisting ICANN in its development.
3. Though the internet is ubiquitous, its existence is enabled by institutions such as KeNIC and its corresponding agencies in other countries. The internet transcends many countries with diverse laws, regulations and policies.
4. In Kenya, the Constitution, statutes and other laws set out the basic thresholds for both private and public agencies. Therefore, in carrying out its mandate KeNIC is bound by the Constitution of Kenya 2010, the Data Protection Act, 2019, the Access to Information Act, 2016 and other statutes that may affect its mandate in an auxiliary manner.
5. It is imperative to note that the Data Protection Act, 2019 (DPA) seeks to create an institutional framework and legal guidelines for the processing of personal data in Kenya and personal data belonging to Kenyans. It also came in to give life to, and to specify the right to privacy as enshrined under Article 31 (c) and (d) of the Constitution. The Act sets out the procedures and obligations for data controllers and data processors in the processing and handling personal data.

6. On the Other hand, the Access to Information Act (AIA) gives effect to the right of access to information by citizens as enshrined under Article 35 of the Constitution and provides a framework for public and private entities to facilitate access to information. The Act also provides for the protection of persons who disclose information of public interest and in good faith.
7. Personal Data for purposes of this policy means any information relating to an identified or identifiable natural person.

Purpose of the policy

8. In today's digital economy, data is the new gold. For purposes of its mandate, KeNIC faces the twin dilemma of facilitating access to information and also protecting the rights to privacy of the Data it holds. This policy dictates how KeNIC collects, stores, shares, and uses data. It further provides for processes on data security to protect data stored by KeNIC from being accessed or used maliciously. The key considerations in the formulation of this policy are;
 - a. Persons/entities that would want to access data from KeNIC;
 - b. The information on the Users/customers sought by KeNIC;
 - c. The purpose/intention for the collection/storage of information by KeNIC;
 - d. The nature of data that would be requested by persons/entities from KeNIC;
 - e. The sensitivity level of the information held with KeNIC.
9. Data access is twofold; how internal access of information should be handled and the levels of access third parties are entitled to.

Access to Information guidelines

10. Access to information is the prerogative of every citizen or entity. Therefore, any person requesting for information must fill out the request for information form that seeks to; establish the nature of information being sought, ascertain how the information is to be provided to them, provide any reason for urgency (if urgent), provide name, provide reason/ purpose of the information requested, provide address and contacts.
11. Where justified, the information requested will be shared within ten (10) days from the date of request.
12. Should the request be unclear on any of these parameters, KeNIC will seek further clarifications.
13. No request made anonymously will be honoured by KeNIC.

14. Requests for information must be made in writing attaching the prescribed request for information form signed by the chief executive officer or an access of information officer.
15. Government agencies that may require certain information in the discharge of their mandate, such request must be in writing according to the enabling provisions of the law, indicating the purpose for which the information is being sought.
16. Where information sought under paragraph 15 is justified by a statute, the requesting entity shall specify the enabling provision of the law and shall attach evidence of compliance with said provision (i.e where the law requires the entity to obtain a warrant, the requesting entity shall attach a copy of the warrant).
17. In the event Public Interest in disclosure outweighs the harm to protected interest, a Court Order **MUST** be submitted together with the prescribed request for information form.

Withholding Information

18. It is noteworthy that the right to access information is not absolute and the law imposes certain limitations. As such, KeNIC will withhold disclosure of information in instances that are likely to:
 - a) Undermine the nation 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;
 - e) Prejudice the commercial interests, intellectual property rights of an entity or third party;
 - f) Cause Substantial harm to the ability of the Government to manage the economy of Kenya;
 - g) Significantly undermine the public or private entity's ability to give adequate and judicious consideration to a matter that is subject to an active consideration;
 - h) Damage a public entity's position in any actual or contemplated legal proceedings; and
 - i) Infringe professional confidentiality as recognized in law or by the rules of a registered association of a profession.

ANNEXURES

1. [PRIVATE INDIVIDUALS INCORPORATED ENTITIES](#)
2. [GOVERNMENT AGENCIES REQUEST FOR INFORMATION FORM](#)

REQUEST FOR INFORMATION FORM (PRIVATE INDIVIDUALS/ INCORPORATED ENTITIES)

Pursuant to Data Protection Act (Act No.24 of 2019) and the Access to Information Act No 31 of 2016 this form should be submitted electronically to **admin@kenic.or.ke** or dropped at our Offices at **Communication Authority Complex** along **Waiyaki Way** opposite **Kianda School**.

1. Identification Details

To ensure that we keep detailed records of all requests and as a pre-requisite condition for releasing data, kindly provide us with the following information:

NAME OF INDIVIDUAL / ENTITY <i>(delete as appropriate)</i>		
IDENTITY CARD NUMBER/ PASSPORT NUMBER FOR INDIVIDUALS INCORPORATION/REGISTRATION NUMBER FOR INCORPORATED ENTITIES <i>(delete as appropriate)</i>		
<i>Ensure you attach copies of the identification document used. For incorporated entities, please provide copies of the registration document and or a recent third-party search. i.e CR12/CR13</i>		
PHYSICAL ADDRESS		
CONTACT DETAILS	PHONE NUMER	EMAIL: POSTAL ADDRESS:
TO BE FILLED BY INCORPORATED ENTITIES IDENTIFICATION DETAILS OF THE ENTITY'S OFFICER MANDATED TO MAKE THE REQUEST.: i) proof of identification e.g. Identity Card or Passport Bio Data <i>(attach a copy)</i> ii) Letter of authorization <i>(attach a copy)</i>		

<p>Nature of Relationship with [Insert Institution Name] (Tick where applicable)</p>		<p><input type="checkbox"/> Registrant <input type="checkbox"/> Registrar <input type="checkbox"/> Citizen <input type="checkbox"/> Supplier <input type="checkbox"/> Contractor/ Consultant <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Other Specify</p>
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**Note that any identification documents sent should be transmitted through a secure means of delivery and should be photocopies or scanned images (not originals). In the absence of adequate proof of identity, we shall reserve the right to decline to provide the requested personal data*

2. Type of Request

Please select the type of request you are making – tick where applicable. (Select one option only, if you wish to make multiple requests kindly submit a separate form for ease of processing):

- Consent withdrawal
- Erasure of personal data
- Request for Access
- Personal data portability request
- Rectification of personal data
- Objection to processing of personal data
- Restriction of processing of personal data
- Emergency affects the Liberty and Life of a person

Others
(specify).....

3. Description of Request

Provide as much additional description as possible. Note that without additional descriptive information provided, a reasonable search will be made based solely on the information provided:

4. Supplementing the application

If, after you have received the requested information you are of the belief that:

- The information is inaccurate or incomplete;
- We should no longer be holding that information;
- We are using your information for a purpose of which you were unaware or for which you object;
- We may have passed information about someone else;

Kindly notify us by email at admin@kenic.or.ke or post to P.O. Box 1461- 00606 Nairobi.

5. Additional information

Please make sure you have:

- Completed this form in full;
- Signed the declaration below;
- Enclosed the relevant forms of identity and address required;

The data you provided in this form is collected so that you are able to exercise your lawful data subject rights under the Data Protection Act, 2019. We will be required to share this data with the relevant department/employee who may hold such personal data to enable us to respond to your request within ten (10) days. By signing the declaration hereunder, you will be consenting to the collection, storage and use of the information provided for processing the request made or any other connected purposes.

6. Declaration

I hereby declare that the information that has been provided in this form, is correct to the best of my knowledge and that I am entitled to make the request identified above pursuant to the Data Protection Act (No. 24 of 2019) and Access to Information Act (No. 31 of 2016).

Signature _____ Date of Request _____

**REQUEST FOR INFORMATION FORM
(GOVERNMENT AGENCIES/DEPARTMENTS)**

Pursuant to Data Protection Act (Act No.24 of 2019) and the Access to Information Act No 31 of 2016 this form should be submitted electronically to **admin@kenic.or.ke** or dropped at our Offices at **Communication Authority Complex** along **Waiyaki Way** opposite **Kianda School**.

1. Identification Details

To ensure that we keep detailed records of all requests and as a pre-requisite condition for releasing data, kindly provide us with the following information:

NAME OF THE GOVERNMENT AGENCY/ OFFICE/ DEPARTMENT		
NAME OF THE PERSON MANDATED TO MAKE THE REQUEST		
PHYSICAL ADDRESS		
CONTACT DETAILS	PHONE NUMBER	EMAIL: POSTAL ADDRESS:
<p>IDENTIFICATION DOCUMENTS OF THE PERSON MANDATED TO MAKE THE REQUEST:</p> <p>i. Personal identification document e.g., Identity Card/Passport Bio Data. <i>(attach copy)</i></p> <p>ii. Job Identity Card/Letter of authority. <i>(Attach copy)</i></p>		
<p>NATURE OF RELATIONSHIP WITH [INSERT INSTITUTION NAME/ PERSON] (Tick where applicable)</p>		<input type="checkbox"/> Registrant <input type="checkbox"/> Registrar <input type="checkbox"/> Citizen <input type="checkbox"/> Supplier <input type="checkbox"/> Contractor/ Consultant <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Other Specify

JUSTIFICATION FOR THE REQUEST OF INFORMATION	
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**Note that any identification documents sent should be transmitted through a secure means of delivery and should be photocopies or scanned images (not originals). In the absence of adequate proof of identity, we shall reserve the right to decline to provide the requested personal data*

2. Type of Request

Please select the type of request you are making – tick where applicable. (Select one option only, if you wish to make multiple requests kindly submit a separate form for ease of processing):

- Request for Access Personal data portability request
 Emergency affects the Liberty and Life of a person

Others(specify)

.....
.....
.....

3. Description of Request

Provide as much additional description as possible. Note that without additional descriptive information provided, a reasonable search will be made based solely on the information provided:

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4. Supplementing the application

If, after you have received the requested information you are of the belief that:

- The information is inaccurate or incomplete;
- We should no longer be holding that information;

- We may have passed information about someone else;

Kindly notify us by email at admin@kenic.or.ke or post to P.O. Box 1461- 00606 Nairobi.

5. Additional information

Please make sure you have:

- Completed this form in full;
- Signed the declaration below;
- Enclosed the relevant forms of identification, address and or supporting documents required.

The data you provided in this form is collected so that you are able to exercise your lawful data subject rights under the Data Protection Act, 2019. We will be required to share this data with the relevant department/employee who may hold such personal data to enable us to respond to your request within ten (10) days. By signing the declaration hereunder, you will be consenting to the collection, storage and use of the information provided for processing the request made or any other connected purposes.

6. Declaration

I hereby declare that the information that has been provided in this form, is correct to the best of my knowledge and that I am entitled to make the request identified above pursuant to the Data Protection Act (No. 24 of 2019) and Access to Information Act (No. 31 of 2016).

Signature (*with seal/stamp*) _____ Date of Request _____