

COUNTY GOVERNMENT OF SIAYA



SIAYA COUNTY PUBLIC SERVICE BOARD

ACCESS TO INFORMATION POLICY

AUGUST, 2024

ABBREVIATIONS AND ACRONYMS

AIO	- Access to Information Officer
ATI	- Access to Information
CAJ	- Commission on Administrative Justice
CHAIC	- Complaints Handling and Access to Information Committee
CPSB	- - County Public Service Board
SCPSB	- - Siaya County Public Service Board

DEFINITION OF TERMS

Citizen	Means any individual who has Kenyan citizenship and any private entity controlled by one or more Kenyan citizens.
Commission	Means the Commission on Administrative Justice.
Information	Includes all records held by Siaya County Public Service Board, regardless of the form in which the information is stored, its source, or the date of production.
Disclosure	The act of making information known.
Edited Copy	Means a copy of a document from which exempt information has been deleted.
Electronic Records	This is a record generated in digital form by an information system, which can be stored and/or transmitted within an information system or from one information system to another.
Exempt Information	Means information that may be withheld by a public entity or private body in accordance with Section 6 of the Access to Information Act, 2016.
Information Access Officer	Means any officer of Siaya County Public Service Board designated under Section 7 of the Access to Information Act, 2016.
Public Entity	a. Any public office, as defined in Article 260 of the Constitution; or b. Any entity performing a function within a commission, office, agency, or other body established under the Constitution.
Public Records	This is any record in writing or any other form containing information that is prepared, owned, used, or retained by a public institution and relates to the conduct of its business and is available to the public.
Requestor	May include an individual, organization, partner, stakeholder, government, or the general public seeking information.
Whistleblower	Refers to a government employee or third-party privy to government functions who discloses information of wrongdoing by government officials, information which is the subject of exemption.

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1.0 BACKGROUND

Access to Information Act, 2016 is anchored on Article 35 of the Constitution of Kenya, 2010. The Act of Parliament conferred the Commission on Administrative Justice (CAJ) with the oversight and enforcement functions and powers. Siaya County Public Service Board is aware that Kenyan citizen has a right to access information and therefore recognizes that any information held by it, as an agent of the government, should be made available subject to the provisions of the Siaya County Access to Information Act. It's on this basis that this Access to Information Policy has been developed.

This Policy shall be read together with:

- i. The Constitution of Kenya, 2010;
- ii. Commission on Administrative Justice Act No. 23 of 2011;
- iii. Access to information Act, No. 31 of 2016;
- iv. County Governments Act No. 17 of 2012, Section 96 (1) (2);
- v. Records Disposal Act, 1962 (Revised 2017);
- vi. Public Archives and Documentation Service Act Cap 19, 1965 (Revised 2015);
- vii. Public Officer Ethics Act, 2003;
- viii. Official Secrets Act Cap 187;
- ix. Data Protection Act No. 24 of 2019; and
- x. Public Service (Values and Principles) Act No. 1A of 2015.

1.1 Purpose

The purpose of this Policy is to:

- a. Give effect to the right of access to information by citizens as provided under Article 35 of the Constitution;
- b. Provide information on request in line with the constitutional principles;
- c. Provide a framework to proactively facilitate access to information held by Siaya County Public Service Board in compliance with any right protected by the Constitution and any other law;
- d. Promote routine and systematic information disclosure by Siaya County Public Service Board relating to accountability, transparency and public participation;
- e. Provide for the protection of persons who disclose information of public interest in good faith.

1.2 Scope

This Access to Information Policy applies to the Siaya County Public Service Board.

1.3 Policy Statement

Siaya County Public Service Board is committed to ensuring protection of its information assets and that of its stakeholders. The Board shall be responsible for implementation of this policy.

The policy encompasses the safe keeping of information in whatever form, such as written, electronic, or spoken conversations.

The policy shall:

- Ensure protection of information against unauthorized access;
- Ensure integrity of information through protection from unauthorized modification;
- Ensure availability of information to eligible persons;
- Ensure adherence to regulatory and legislative requirements; and
- Provide guidance in reporting and investigating suspected breaches of access to information process, as appropriate.

1.3.1 Guiding Principles Maximum Disclosure

This principle establishes a presumption that all information held by Siaya County Public Service Board should be subject to disclosure and that this presumption may be overcome only in very limited circumstances.

1.3.2 Obligation to Publish

Siaya County Public Service Board shall publish and widely disseminate documents of significant public interest, subject only to reasonable limits based on resources and capacity.

1.3.3 Minimum Exceptions

All requests for information shall be met unless Siaya County Public Service Board can show that the information falls within the scope of the limited regime of exception.

1.3.4 Facilitation to access

Where necessary, provision shall be made to ensure full access to information for certain groups including those who cannot read or write, do not speak the language of the record, or suffer from disabilities.

1.3.5 Simple and Easy Access

Siaya County Public Service Board shall provide for a mechanism that promotes simple access to information.

1.3.6 Whistle-blower protection

Siaya County Public Service Board shall ensure whistleblowers are properly protected from reprisals or penalization, as a result of their actions, so long as they act reasonably and in good faith.

1.4 Underlying Principle

Every citizen's right to access information should not be affected by any reason the person gives for seeking access.

Siaya County Public Service Board will ensure that access to information it holds shall be provided expeditiously at a reasonable cost.

Siaya County Public Service Board shall apply the provisions of the Access to Information Act on the basis of a duty to disclose. Non-disclosure shall be permitted only in circumstances exempted under Section 6 of the Access to Information Act, 2016.

2.0 DECISIONS

Based on its assessment of the information request at hand, Siaya County Public Service Board 's decision may be based on the following criteria:

- 2.1 Disclose:** reveal or expose information it holds (Refer to the Access to Information Act 2016 and [The Siaya County Access to Information Act](#));
- 2.2 Transfer:** Where the application refers to information held by another public institution; Siaya County Public Service Board shall transfer the request to that public institution within five (5) days of its receipt.
- 2.3 Decline:** Where the request is dropped on the basis that the information sought is exempt under Section 6 of the Access to Information Act and

Note: In all instances, a statement about how the requester may appeal to the Commission should be availed.

- i. **On-going:** Indicate that processing of a request for access to information has commenced but has not been finalized.
- ii. **Abandon:** This is a situation where the processing of a request for access to information has been discontinued on account of the Applicant/Requester failing to meet their obligations under the Act.

3.0 PROACTIVE DISCLOSURE

3.1 Statement on proactive disclosure

Siaya County Public Service Board endeavors to proactively disclose and continuously update information in compliance with the provisions of the Act. The information shall be disclosed or availed for inspection at no cost.

3.2 Specific Disclosure

The matrix below is a representation of the information Siaya County Public Service Board shall proactively disclose as per the Access to Information Act, 2016.

3.3 Methods of Disclosure

Siaya County Public Service Board commits to avail to the public information used in making policies, regulations and decisions through:

3.3.1 Access on the website

Information shall be published on Siaya County Public Service Board's homepage or accessed through search function.

3.3.2 Access through inspection

The inspection of the required documents will be facilitated by the Access to Information Officer

No	Broad Category	Specific Information	Sources	Location
1.	About the Siaya County Public Service Board	<ul style="list-style-type: none"> • Mandates and functions • Legislative framework • Administrative structure • Staffing levels and salary by grade • Contacts and physical location 	<ul style="list-style-type: none"> • The constitution of Kenya, 2010 • Siaya County Public Service Board Services Act, 2017 • County Government Act, 2012 • Manuals, policies 	<ul style="list-style-type: none"> • Siaya County Public Service Board website • Registry/Records Office • Library
2.	Decision making	<ul style="list-style-type: none"> • Decision making procedure including channel of supervision and accountability 	<ul style="list-style-type: none"> • Siaya County Public Service Board strategic plan • Code of Conduct and ethics for Staff and • Policies • Manual • Service Charter 	<ul style="list-style-type: none"> • Siaya County Public Service Board website • Registry/Records Office • Library
3.	How resources are utilized	Recurrent and development budget	<ul style="list-style-type: none"> • Annual reports • Asset register • Procurement plan • Financial report 	<ul style="list-style-type: none"> • Siaya County Public Service Board website • Registry/Records Office • Library
4.	Registers of information	Register of information held by Siaya County Public Service Board which can be availed for inspection	Information registers	Registry / records office
5.	Public Procurement Information	Public works commissioned, goods acquired or rented, services contracted, scope of services providers, contractors and time period of contract	Procurement contracts entered	<ul style="list-style-type: none"> • Siaya County Public Service Board website • Registry/Records Office • IFMIS website

4.0 RESPONSIBILITIES

4.1 Information Requestor

This may include an individual, partners, stakeholders, public and private organizations or the general public, who/which makes an application for an information request

4.2 Siaya County Public Service Board

- i. Approve the policy.

Approve the requisite budget for implementation of Access to Information Act, 2016.

4.3 Chief Executive Officer (CEO)

The CEO shall be the Information Access Officer of Siaya County Public Service Board , or may delegate this function to another officer referred to as an Information Access Desk Officer.

4.4 Information Access Officer (IAO)

This is an officer appointed by the Siaya County Public Service Board from the Complaints Handling and Access to Information Committee who shall be the designated Information Access Officer in charge of the information Access Desk. The officer shall be the receiver of all information requests applied for.

The Officer shall be responsible for;

- i. Receive and acknowledge application for Access to Information
- ii. Guide application on Access to Information
- iii. Conduct interviews for any clarification on the requested information
- iv. Determine accessibility and location of the requested documents
- v. Keep the applicant informed on the status of their application
- vi. Monitor the inspection of record by the applicant/requester
- vii. Transfer application to the relevant bodies for access to of information in linewith the Act
- viii. Maintain Access to Information records

4.5 Complaints Handling and Access to Information Committee (CHAIC)

This is a committee constituted by the Siaya County Public Service Board comprising of at least five members with a role of establishing and maintaining complaints management and access to information infrastructure. The Committee is responsible for;

- i. Maintaining the Access to Information Register
- ii. Coordinating all matters relating to Access to Information
- iii. Advise the Board on emerging issues with regard to Access to Information
- iv. Sensitize staff on matters of Access to Information
- v. Compile and submit quarterly and annual reports on request made for access to information to Siaya County Public Service Board and Commission on Administrative Justice.

4.6 Legal Officer

The Legal Officer shall be sought when consideration of an exception for information sought is required.

4.7 Siaya County Public Service Board staff

Ensure adherence to the provisions of this policy.

5.0 ACCESS TO INFORMATION APPLICATION PROCESS

- i. Any request on to access information to Siaya County Public Service Board should be made in writing and in a language that can be understood (preferably in English or Kiswahili)
- ii. The applicant shall provide details and sufficient particulars for the access to information request to the.

Chief Executive Officer

**Siaya County Public Service Board
P.O BOX 390 - 40601, Bondo**

Email: infopsb@siaya.go.ke

Website: www.cpsb.siaya.go.ke

- iii. Should the applicant be unable to make a written request due to illiteracy or disability, Siaya County Public Service Board's information access officer shall take the necessary steps to ensure that the applicant makes the request in a manner that meets his/her needs. The officer shall, on their behalf, fill in the details in the prescribed form (Appendix I) and then furnish the applicant with a copy of the written request.

6.0 PROCESSING OF APPLICATION AND RESPONSE TIMELINES

- i. Siaya County Public Service Board's information access officer or a designate shall make a decision on an application as soon as possible, but in any event, within twenty-one (21) days of receipt of the application.
- ii. Where the information sought concerns the life or liberty of a person, the information access officer shall provide the information within forty-eight (48) hours of the receipt of the application.
- iii. The information access officer to whom a request is made under subsection (2) may extend the period for response on a single occasion for a period of not more than fourteen (14) days if:
 - a. the request is for a large amount of information or requires a search through a large amount of information and meeting the stipulated time would unreasonably interfere with the activities of the information holder; or
 - b. Consultations are necessary so as to comply with the request and the consultations cannot be reasonably completed within the stipulated time.

As soon as the information access officer makes a decision as to whether to provide access to information, he or she shall immediately communicate the decision to the requester, indicating:

- i. whether or not Siaya County Public Service Board holds the information sought;
- ii. whether the request for information is approved

7.0 TRANSFER OF APPLICATION

- i. Siaya County Public Service Board's information access officer or a designate may, not later than five days from the date of receipt of an application, transfer the application, or any relevant part of it, to another public entity, if the information requested is held by that other public entity.
- ii. When an application has been transferred, the information access officer shall inform the applicant immediately but, in any event, not later than seven days from the date of receipt of the application about such transfer.

8.0 PROVISION OF REQUESTED INFORMATION

Where a decision is taken to provide the information applied for, Siaya County Public Service Board's information access officer shall send to the applicant a written response within fifteen working days of receipt of the application, advising:

- i. that the application has been granted;
- ii. that the information will be contained in an edited copy, where applicable;
- iii. the details of any fees or further fees to be paid for access, together with the calculations made to arrive at the amount of the fee;
- iv. the method of payment of such fees, if any;
- v. the proposed process of accessing the information once the payment if any is made; and
- vi. That an appeal may be made to the Commission in respect of the amount of fees required or the form of access proposed to be provided.

Upon receipt of the fee payable, Siaya County Public Service Board 's information access officer shall provide the information to the applicant or permit the relevant inspection immediately, but in any event not later than two working days from the date of receipt of the payment.

Siaya County Public Service Board shall ensure that any information to be made accessible to an applicant shall be produced forthwith at the place where it is kept, for inspection in the form in which it is held unless the applicant requests that it be made available in another form and, if it is practicable to do so, such information may be copied, reproduced or used for conversion to a sound transmission at the expense of the applicant.

9.0 FEE

Siaya County Public Service Board may charge a reasonable cost incurred in making copies of such information and, if applicable, supplying them to the applicant. The fee shall not exceed the actual cost of making the copies of such information and, if applicable, supplying them to the applicant.

10.0 CORRECTION OF INFORMATION

Siaya County Public Service Board shall within reasonable time, at its own expense, correct, update or annotate any personal information held by it relating to the applicant, which is out of date, inaccurate or incomplete.

A request under this Section shall be made in writing to Siaya County Public Service Board for the maintenance of the record system containing the out of date, inaccurate or incomplete information and shall:

- i. state that it is a request to amend certain personal information relating to the applicant;
- ii. specify the personal information that is to be amended indicating how such information is out of date, inaccurate or incomplete; and
- iii. Specify the remedy sought by the applicant.

11.0 MANAGEMENT OF RECORDS

Siaya County Public Service Board shall keep and maintain:

- i. records that are accurate, authentic, have integrity and useable;
- ii. records in a manner which facilitates the right of access to information.

In order to comply with the duty to keep and maintain records, Siaya County Public Service Board shall:

- i. create and preserve such records as are necessary to document adequately its policies, decisions, procedures, transactions and other activities it undertakes pertinent to the implementation of its mandate;
- ii. ensure that records in its custody, including those held in electronic form, are maintained in good order and condition;
- iii. computerize its records and information management systems in order to facilitate more efficient access to information.

12.0 FILING OF AN APPEAL WITH THE CAJ

Where a requester is not satisfied with Siaya County Public Service Board 's response, Complaints or Appeals can be filed with the Ombudsman on the following address.

The Commission Secretary /Chief Executive Officer,

Commission on Administrative Justice,

2nd Floor, West End Towers, Waiyaki way, Nairobi.

P.O. Box 20414-00200 Nairobi

Tel: +254 + 020 2270 000, +254 020 2303 000

Email : info@ombudsman.go.ke

13.0 MONITORING AND EVALUATION

Monitoring and evaluation is cardinal to the efficient and effective implementation of the Access to Information policy. This shall entail the collection, analysis and use of the data and information to determine the progress and status of compliance. The Information Access Officer working with the Complaints Handling and Access to Information Committee shall submit quarterly and annual reports to CAJ through the Chief Executive Officer in the prescribed format.

Periodic monitoring and evaluation of Access to Information activities shall be conducted by the Complaints Handling and Access to information Committee with a view to using the findings for improvement of Access to Information.

14.0 REVIEW

This policy shall be reviewed from time to time to reflect changing circumstances.

14.0 INFORMATION REQUEST

Step 1

Decide if you need to make an informal request or a formal request to access information under the Access to Information Act 2016. If it is a formal request, the applicant shall provide details and send request to access information to

Secretary/ CEO

Siaya County Public Service Board

P.O BOX 390 - 40600, Bondo

Email: infopsb@siaya.go.ke

Website: www.cpsb.siaya.go.ke

Step 2

If you need to make a formal request under the Access to Information Act 2016, complete this form or a written request mentioning the Act. Describe the information being sought and provide relevant details to assist Siaya County Public Service Board find it.

Step 3

When you receive an answer to your request, review the information to determine whether you wish to make any further request under the Act. You also have the right to complain to the office of "Ombudsman" should you believe that you have been denied any of your rights under the Act

Appendix 1: Information Request Form



Republic of Kenya County Government of Siaya



Note: Please refer to page 3 for further information

Access to Information Request Form

Article 35 Constitution of Kenya; Section 4 -12 Access to Information Act, 2016 *(This form should be filled in duplicate)*

Date of request:			
Name of Applicant(s): <i>(If institution name of the Officer in-charge)</i>			
Applicant(s)' national ID card number			
Applicant(s)' Email:		Phone:.....	
Description of the required information: Identify the documents as specifically as possible: i. ii. iii.....			
Relevant period of information (dd/mm/yyyy)	From	To	
	
Preferred form of access(tick appropriately)	Inspection		<input type="checkbox"/>
	Hard Copies		<input type="checkbox"/>
	Soft Copies		<input type="checkbox"/>
	Entity's Website		<input type="checkbox"/>
	Others		<input type="checkbox"/>
<i>(Attach further details in the attached separate sheet provided, if necessary)</i>			

<p>Is the information needed relating to a matter of life or liberty?</p> <p style="text-align: center;">YES NO</p> <p>If YES, the expected date of response is 2 Day</p>	
<p>If information is needed before the legal deadline of 21 days, State the expected date of response</p> <p>DD..... MM YYYY</p>	
<p>State briefly why response is urgent:</p> <p>.....</p> <p>.....</p>	
<p>Signature (applicant).....</p>	<p>Date</p>

SECTION B: FOR OFFICIAL USE
(to be filled by the receiving officer/information officer)

Name of receiving officer	
Designation of receiving officer	
Date of receipt of application	DD MM YY
Is the information requested available?	YES NO <input type="checkbox"/>
Cost of making copies, if needed (to be filled within 21 days)	<p>No of pages and cost (cost per page not to exceed market price)</p> <p>.....</p>
	Total amount:
Contact details (for tracking response to application)	<p>Email:</p> <p>Mobile:</p>

Result of the request	Information disclosed
	Date.....
	Format.....

	Information denied
	Reasons:
	i.

	ii.

Signature (Information Access Officer/ Receiving officer)	Date.....
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	Information denied
	Reasons:
	i.
	ii.

Signature (Information Access Officer/ Receiving officer)	Date.....
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The form is available on Website: [www. https://siaya.go.ke](https://siaya.go.ke)

