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KISII NATIONAL POLYTECHNIC

ACCESS TO INFORMATION POLICY

KNP /AIP/11
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CONTROLLED

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ACCESS TO INFORMATION POLICY		Policy No. KNP /AIP/11
Principal's Signature		Date 6/5/2021
Approval by Governing Council Chairman's Signature		Date 6/5/2021
Responsible Office	ACCESS TO INFORMATION OFFICE	

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1.0 INTRODUCTION

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 and for connected purposes. The Authority 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 Competition Act. It's on this basis that this Access to Information Policy has been developed and shall be read together with:

- i. The Constitution, 2010
- ii. Access to Information Act, 2016
- iii. The institution's Strategic plan.

1.1 HISTORICAL BACKGROUND

Kisii National Polytechnic was founded in 1971 as a Harambee Institute of Technology. It was registered in 1972 under the Education Act. CAP 212 of the laws of Kenya with the objective of providing technical education and training for youths. It was moved from St. Vincent Centre where it was initially housed, to the current site in 1980. The first buildings to be put up were Woodwork Technology and Mechanical Engineering workshops, Typing Pool, Hostels, Kitchen and Dining hall. The curriculum then was Secretarial and Building technology. The institute was elevated to a national polytechnic in May 2016 through Legal notice No. 93. Since then more courses have been introduced and currently Kisii National Polytechnic offers more than eighty-eight (88) courses in Certificate and Diploma levels.

Science and Technology (S&T) activities have been recognized in the institution since its inception as vital to social and economic development. There has been rapid expansion of Science and Technology since the enactment of Science and Technology Act CAP 250 of the laws of Kenya (1977).

The college is managed by the Governing council and college administration comprising of the Principal, Deputy Principals, the Registrar, the Dean of Students, Heads of Departments and their Deputies. Day to day learning activities in the college is managed by the Departments.

1.2 VISION, MISSION AND CORE VALUES OF KNP

1. Vision

“To be the preferred training institution for technical and vocational skills development”

2. Mission

To develop highly qualified, globally competitive and innovative human resource by providing quality Training, applied Research & extension and Entrepreneurship skills that are responsive to market demands.

3. Core values

1. Professionalism and Excellence
2. Creativity and Innovativeness
3. Team work
4. Integrity
5. Accountability and Transparency

4. Mandate

The mandate of the polytechnic is to develop an institution with excellence in training, scholarship, entrepreneurship, research, consultancy, community service and products with emphasis on technology, its development, impact and application within and outside Kenya.

1.3 PURPOSE

The purpose of this policy is to provide a framework for handling access to information associated with our mandate. The policy formalizes and communicates the KNP's approach to management of access to information

Thus the policy shall:-

- 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 KNP in compliance with any right protected by the Constitution and any other law;
- d) Promote routine and systematic information disclosure by KNP relating to accountability, transparency and public participation;
- e) Provide for the protection of persons who disclose information of public interest in good faith.

1.4 SCOPE

This policy applies to all processes in KNP as well as issues related to interested parties

2.0 DEFINITION OF TERMS

Access to information register – a register kept by KNP where entries of requests and determinations (decisions) on access to information are kept.

Action taken – measure(s) taken by KNP to process a request for access to information and implement the decision and recommendation of the commission

Applicant/ requester – Person who has requested for access to information from KNP

Access to information channel –Medium through which access to information is transmitted to its intended audience(s)

Access to Information officer - means any officer of the Authority designated under section 7 of the Access to Information Act.

Information - includes all records held by KNP, regardless of the form in which the information is stored, its source or the date of production.

Ongoing- A situation whereby access to information process has commenced but has not been finalized.

Principal - means the Head of KNP or the person assigned the principal administrative responsibility.

Citizen - means any individual who has Kenyan citizenship and any private entity that is controlled by one or more Kenyan citizens.

Commission - means the Commission on Administrative Justice.

Exempt information - means information that may be withheld by KNP in accordance with Section 6 of Access to Information Act.

Edited copy - in relation to a document, means a copy of a document from which exempt information has been deleted;

Public entity - means

- (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;

3.0 ACCESS TO INFORMATION FRAMEWORK

The framework provides different processes for managing access to information within the KNP

Every citizen's right to access information should not be affected by-

- a. Any reason the person gives for seeking access; or
- b. KNP's belief as to what are the person's reasons for seeking access is.

KNP will ensure that access to information it holds shall be provided expeditiously at a reasonable cost.

The institution 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.

4.0 DECISIONS

Based on its assessment of the information request at hand, the institution's decision may be based on the following criteria:

- i. Disclose: reveal or expose information it holds (Refer to the Access to Information Act 2016).
- ii. Transfer: Where the application refers to information held by another public institution, KNP shall transfer the request to that public institution within five (5) days of its receipt.
- iii. Decline: Where the request is dropped on the basis that the information sought is exempt under Section 6 of the Access to Information Act, 2016 and provisions of the Competition Act No. 12 of 2010.

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

iv. On-going: Indicate that processing of a request for access to information has commenced but has not been finalized.

v. 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.

5.0 DISCLOSURE OF INFORMATION

KNP shall, as guided by Section 6 of the Access to Information Act, 2016, facilitate access to information which may include:

- i. Particulars of its organization, functions and duties;
- ii. Powers and duties of its officers and employees;
- iii. Procedures followed in the decision-making process, including channels of supervision and accountability;
- iv. Remuneration and benefits paid to its officers by grade;
- v. Guidelines used in its dealings with the public or with corporate bodies, including the rules, regulations, instructions, manuals and records, it holds or used by its employees in discharging its functions.

6.0 RESPONSIBILITIES

6.1 The Governing Council

The Governing Council Shall:

- i) Approve the policy.
- ii) Approve the requisite budget for implementation of Access to Information Act, 2016.

The Council through the Principal shall ensure;

- i. Establishment of access to information infrastructure
- ii. Implementation of the access to information policy through appointed Access to Information (AI) committee.
- iii. Creation of awareness through appointed AI committee

6.2 The Access to Information officers

The Access to Information Officers Shall:

- i. Promote right to access to information
- ii. Process requests for access to information
- iii. Keep documents in lockable cabinets and personal integrity
- iv. Implement decisions and recommendations of CAJ.

6.3 Heads of Departments (HODs)

HODs Shall:

- i. Provide relevant information during investigation by PC and AI committee
- ii. Being among relevant officers should provide feedback through PC and AI committee
- iii. Should ensure proper management of records as it will provide tangible evidence when required.
- iv. Should be able to sensitize their members about the AI committee roles

6.4 All KNP staff

All KNP staff shall:

- i. Ensure adherence to the provisions of this policy.

7.0 ACCESS TO INFORMATION APPLICATION PROCESS

- i) Any request on to access information to the KNP 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 Principal
- iii) Should the applicant be unable to make a written request due to illiteracy or disability, KNP 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.

7.1 Processing of Application and Response Timelines

- i) KNP's Access to Information 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 Access to Information 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:

- ii. whether or not KNP holds the information sought;
- iii. whether the request for information is approved:

7.2 Transfer of Application

- i. KNP's Access to Information 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.

7.3 Providing Access to Information

Where a decision is taken to provide the information applied for, KNP's Access to Information 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, KNP's Access to Information 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.

KNP 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.

7.4 Fees

KNP may charge a reasonable costs 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.

7.5 Correction of Information

KNP 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 KNP 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.

8.0 MANAGEMENT OF RECORDS

KNP 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, KNP 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. Not later than three years from the date from which this Act begins to apply to it, computerize its records and information management systems in order to facilitate more efficient access to information.

9.0 REVIEW

The access to information policy shall always remain current and will be reviewed after every 5 years or as need may dictate.

APPENDICES

Tables

S/N	IC. Proactive Disclosure of Information Template				
	Type of Information Proactively Disclosed	Mode of Access			
		Internet(website)	Inspection	Copies	Any other Mode(Specify)
1.	Information about the organization				
2.	Decision Making procedures including channels of supervision				
3.	Salary scales of officers by grade				
4.	Operational documents on dealing with public and corporate bodies				
5.	Information registers and lists(Information held by public entity)				
6.	Contract Details(Public procurement information)				
7.	Access to information Officer(s)				
Name(s)		Position(Designation)		Email Address	Telephone Number

Table II: complaint management and access to information infrastructure

Name of Institution		
Financial Year		
NO	INDICATORS	DETAILS OF IMPLEMENTATION
A1	Physical location: Provide the postal address and physical location (building name, office/ room number and street)	Include details for all regional offices
A2	I. Provide names, contact details (Official telephone & e-mail address) and position of at least three officers preferably at senior level who are in-charge of complaints. II. Provide names, contact details and position of the information access officer(s)	Include details for all regional offices
A3	Communication channels: Provide: Complaint desk e-mail/s e.g. complaints@ministry.go.ke	Include details for all regional offices
	Dedicated telephone line(s)	Include details for all regional offices
	Official e-mail address(es) of the institution	
	Institution's website (Links/portals to access to information and Complaints information)	
	Official e-mail address of the Accounting Officer	
B1	Updated institution's resolved service delivery charter that includes grievance redress mechanism (CAJ address) and access to information provisions (Submit separately)	Include details for regional offices
B2	I. Complaints Register II. Access to Information Register	For internal purposes only, (Not for submission to the Commission).
C1	Institution's complaints handling policy and procedures (Submit separately)	
C2	Institution's access to information procedures (Submit separately)	
C3	I. Complaints handling committee members - appointment letters & minutes of meetings held. II. Notification letter of the access to information officer(s)	

IF. ACCESS TO INFORMATION DATA						Deviations from Previous Quarter					
Total Number of Information Requests received	Total Fees Imposed from requests (Ksh)	Total Number of Full time staff devoted to processing requests	Average Number of Days taken to Process the Requests	Total Amount expended for Processing Requests	Total Number of Requests Declined	Total Number of Information Requests Received	Total Fees Imposed from requests (Ksh)	Total Number of Full time staff devoted to processing requests	Average Number of Days taken to Process the Requests	Total Amount expended for Processing Requests	Total Number of Requests Declined

IIIB. ACCESS TO INFORMATION REGISTER TEMPLATE

N o.	Date Received	Requisition Channel	Name of Applicant/Requester	Type of Information Requested	Date of Communicating the Decision	Fees Imposed (if any)	* Decision

Procedure for access to information

STEP 1

Decide if you need to make an informal request or a formal request under the Access to information Act 2016. If it's an informal request, send your request to publiccomplaints@kisiipoly.ac.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 institution find it.

STEP 3

Forward the access request to the institution Information Access Officer PCAI

The Address is listed as: publiccomplaints@kisiipoly.ac.ke

You may be asked for charges depending on the nature or amount of information being sought.

STEP 4

When you receive an answer to your request, review the information to determine whether you wish to make any further request under the Act 2016. You also have the right to complain to the institution should you believe that you have been denied any of your rights under the Act 2016 or the provisions of the Competition Act

Access to information Request form

Institution _____

Method of access preferred: copies/ original from institution (Tick as Appropriate)

Name of the Applicant: _____

Postal Address _____ City/County _____

Physical Address _____ Tel/Mob No. _____

Signature: _____ Date: _____