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## **Analysis of Draft Kenyan Freedom of Information Bill**

The Centre for Law and Democracy today published its analysis of the draft Kenyan Freedom of Information Bill. The draft Bill was prepared following a wide stakeholder consultation in November 2011, and it represents a harmonised version of earlier government and civil society drafts. It is hoped that the current process will finally bring to fruition the long-standing campaign for right to information legislation in Kenya.

*“The draft Bill is an impressive document which scored very highly on our RTI Rating”,* said Toby Mendel, Executive Director of the Centre for Law and Democracy. *“At the same time, we are recommending a number of further improvements to help ensure full implementation of the right to information.”*

The draft Bill has a number of strengths, including its wide scope, the narrow regime of exceptions and the establishment of an independent and powerful oversight body. A number of CLD’s recommendations are fairly technical in nature, and should be relatively uncontroversial to implement. Some of our key recommendations are:

- The rules on access to information held by private bodies should be better integrated into the law.
- The right of access should apply to everyone, not just citizens.
- The scope of the proactive publication obligations should be extended.
- Some of the exceptions should be further limited.
- It should be clear that public authorities bear the burden of proof in appeals against their decisions.
- The rules on punishment for obstruction of access should be extended.
- A full system for improving record management standards should be put in place.

The full Commentary is available at: <http://www.law-democracy.org/?p=1600>

The RTI Rating, developed by CLD and Access Info Europe, is available at: [www.RTI-rating.org](http://www.RTI-rating.org).

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