

Authority:

The Commission on Administrative Justice (CAJ)

Country/State:

Kenya

Case title:

Katiba Institute v. County Government of Meru — Access to Cancer Records in Meru County

Official citation:

Commission on Administrative Justice, Decision of 22 April 2024 (Section 22(3) and 23(2)(a), Access to Information Act, 2016)

Date of decision:

2024

Relevant law:

Access to Information Act, 2016 (Kenya), sections 22(3) and 23(2)(a)

Decision:

The Commission ordered the County Government of Meru, through the Chief Officer of the Ministry of Health and the County Secretary, to provide the Katiba Institute with the requested records on cancer prevalence, causes, pesticide effects, and expert reports. The Commission determined that the requested information constitutes public information held by the County Government, and therefore must be disclosed under the Access to Information Act.

Key words:

Health information, Public records, Right to information, Non-response, Cancer prevalence, Environmental health risks

Case Summary:**1. Facts**

On 22 April 2024, Katiba Institute, a civil society organization, submitted a written request to the County Government of Meru seeking access to various public health records. Specifically, they asked for reports on the most prevalent cancers in Meru County, causes behind the rising cases, expert opinions, data on pesticide and herbicide effects, and surveys on cancer prevalence among exposed populations.

The County Government of Meru did not provide any response to the request.

2. Decision

The Commission on Administrative Justice found that the County Government of Meru had violated its obligations under the Access to Information Act by failing to respond. The Commission emphasized that the requested records are held by the County Government and are public information. Invoking its powers under sections 22(3) and 23(2)(a) of the Act, the Commission directed the Chief Officer of the Ministry of Health and the County Secretary to facilitate access to the requested records.

Note (Optional):

Resource: N/A