

Authority:

Commission on Administrative Justice – Kenya

Public Entity:

County Government of Siaya

Country/State:

Kenya

Case title:

Mike Ochieng v. County Government of Siaya (Public Service Board Interview Reports Case)

Official citation:

Order of 11 March 2024

Date of decision:

11 March 2024

Relevant law:

Access to Information Act, 2016 (Sections 14(1)(a), 22(3)(a)(i), 23(2)(a))

Decision:

The Commission ordered the County Secretary, County Government of Siaya, to facilitate access to the requested interview reports of the County Public Service Board. Where disclosure could result in the unwarranted invasion of third-party privacy, the Commission directed the County Secretary to prepare and provide a redacted or abridged version of the reports.

Key words:

Right to Information, exemptions, public service recruitment, interview reports, privacy, redaction

Case Summary**1. Facts**

On 7 November 2023, the applicant, Mike Ochieng, requested access to Siaya Public Service Board interview reports concerning recruitment for several positions, including Chief Officers (across multiple departments such as Health, Finance, Agriculture, ICT, and Governance), Chief Executive Committee Members, Directors, Engineers, and other specialized officers.

The County Secretary, County Government of Siaya, declined to provide the requested information and failed to respond to the Commission's follow-up inquiry dated 9 January 2024.

2. Decision

The Commission, exercising its powers under Sections 22(3)(a)(i) and 23(2)(a) of the Access to Information Act, 2016, issued an Order on 11 March 2024.

The Order required the County Secretary to disclose the requested interview reports.

If full disclosure risked infringing on the privacy of third parties, the County Secretary was directed to supply abridged or redacted versions of the documents, ensuring compliance with both the right to information and the protection of personal data.

The case highlights the balance between transparency in public service recruitment and the need to safeguard privacy.

Note (Optional):

The case is important as it demonstrates how the Commission applies both the principle of maximum disclosure and the proportional application of exemptions (privacy), ensuring accountability in recruitment while protecting personal information.

Resource:

Link to resolution: N/A