

**INFORMATION ACT PROMOTES GOVERNANCE AND INTEGRITY IN  
PUBLIC ORGANISATIONS: CASE OF KENYA NATIONAL ARCHIVES AND  
DOCUMENTATION SERVICE AND COMMISSION ON ADMINISTRATIVE  
JUSTICE**

**MARGARET W. RUKWARO**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF  
LIBRARY AND INFORMATION SCIENCE, DEPARTMENT OF LIBRARY AND  
INFORMATION SCIENCE, UNIVERSITY OF NAIROBI**

**2018**

## **DECLARATION**

This research project is my original work and has not been presented for a degree in any other university.

Signature..... Date.....

Margaret Wamaitha. Rukwaro  
Reg. No.: C54/82476/2015

This research project has been submitted for examinations with our approval as university supervisors.

Signed..... Date.....

Dr. Grace Irura  
Department of Library and Information Science  
University of Nairobi

Signed..... Date.....

Dr. Elisha Ondieki Makori  
Department of Library and Information Science  
University of Nairobi

## **DEDICATION**

This dissertation is dedicated to my late mother Susan Nyaguthii Rukwaro who saw it fit to take me to school which transformed my life. To my extended family and to my children Njeri, Ndiangu'i and Wamuyu for their support, love and encouragement.

## **ACKNOWLEDGEMENTS**

My sincere gratitude first and foremost to God for without whom I could not have accomplished anything. I wish to express my special appreciation and gratitude to my supervisors, Dr. Grace Irura and Dr. Elisha Makori for their invaluable guidance and support, they spent a lot of their time to make sure that the dissertation was to the required standard, their intellectual criticism and thoughtful comments shaped the study. My appreciation also goes to Dr. Dorothy Njiraine, the Chair Department of Library and Information Science for introducing me to the course. I would also like to thank the University of Nairobi for providing the opportunity to study and in particular the library department.

I thank the Commission on Administrative Justice staff and the Kenya National Archives and Documentation Service headquarters staff for their support and cooperation. Without them, it would not have been possible to complete this study.

My children for their patience and encouragement during the time of the study. My classmates, for walking with me on this journey; and, to my extended family and friends, for their prayers, support, and words of encouragement throughout this process. I acknowledge everyone's input and support to my work. God bless each one of you for your worthy help.

## **ABSTRACT**

Information is fundamental to all human endeavors, therefore it is necessary that required information is provided to citizen either proactively or when requested as long as it is not the classified information. The objectives of the study were to examine the use of Access to Information Act in promoting governance and integrity; establish the level of awareness of Access to Information Act, 2016; identify the avenues which public institutions use in promoting access to information and examine the value of access to information. The study used a total target population of 129. This study opted to use census sampling method since the population was not vast; the number of staff members was small. The study adopted a mixed methods approach by using both qualitative and quantitative research methods. The study employed the use of questionnaires and interviews. On the use and awareness of the act a big number of the respondents affirmed their awareness while a small number indicated lack of knowledge of the act, an indication that awareness and knowledge of the act is high among the staff of the two organization, they also indicated on major case the act has been used on to make decision. Majority of the respondents agreed that there is need for civic education to create awareness of the act. In bridging access to information gap, numerous approaches are used; Huduma Kenya, Open Government Portal and National Council for Law are actually bridging the information gap. Regarding value of access to information majority of respondents agreed that Access to Information Act is a powerful tool in fighting impunity and eventually reducing corruption. The study recommends that there is need for the Commission on Administrative Justice, which has been given the mandate to execute this Act, to carry out a vigorous awareness campaign so that people can be aware of the acts existence and they can educate others also reap the benefits as this is their constitutional right. In addition, the research recommends for a budgetary allocation for putting up proper infrastructure for implementation, effective continuous public education on the importance of Access to Information Act, the procedure of requesting information needs to be laid down in a simplified manner. Behavior change among Access to Information Officers in public offices is another recommendation. Others are need for political will to abide and implement the Act. Proper information and records management, training and support in digitization of records. In addition develop regulations to operationalize the Act and have a simplified version of the Act. The Office of the Ombudsman is expected to implement these recommendations.

## TABLE OF CONTENTS

DECLARATION .....	ii
DEDICATION .....	iii
ACKNOWLEDGEMENTS .....	iii
ABSTRACT .....	v
LIST OF TABLES .....	ix
LIST OF FIGURES .....	x
LIST OF ABBREVIATIONS .....	xi
<b>CHAPTER ONE .....</b>	<b>1</b>
<b>INTRODUCTION.....</b>	<b>1</b>
1.1 Background to the Study.....	1
1.1.1 Information .....	1
1.1.2 Acts on Access to Information.....	2
1.1.3 Article 35 of the Kenya Constitution .....	3
1.1.4 Private and Public Organizations in relation to Access to Information Act .....	3
1.1.5 Governance and Access to Information Act .....	3
1.1.6 Openness and Information Integrity .....	4
1.1.7 Kenya Vision 2030 in Relation to Access to Information Act .....	5
1.1.8 Context of the Study .....	5
1.2 Statement of the Problem.....	7
1.3 Purpose of the Study .....	8
1.3.1 Objectives of the Study.....	8
1.4 Research Questions .....	8
1.5 Justification of the Study .....	9
1.6 Scope of the Study .....	10
1.7 Limitation of the Study .....	10
1.8 Operational Terms and Concepts.....	11
1.9 Chapter Summary .....	12
<b>CHAPTER TWO .....</b>	<b>13</b>
<b>LITERATURE REVIEW .....</b>	<b>13</b>
2.1 Introduction.....	13
2.1.1 Theoretical Framework.....	13
2.1.2 Normative Assumptions Behind Freedom of Information Legislation .....	14
2.2 Use of Access to Information Act.....	15
2.2.2 Private Organizations and Access to Information Act.....	17
2.2.3 Access to Information from Public and Selected Private Entities .....	17
2.2.4 Access to Information as a Fundamental Pillar for Development .....	18
2.3 Raising Public Awareness on Access to Information .....	18
2.3.1 Orientation and Awareness .....	19
2.3.2 International Day for Universal Access to Information.....	19
2.4 Avenues Through which the Access to Information is Made Available to Citizens .....	19
2.4.1 Proactive Disclosure of Information.....	20
2.4.2 Huduma Kenya .....	20
2.4.3 Digital Villages: Pasha Centers .....	21

2.4.4 The Kenya Open Data Portal (KODI) .....	21
2.4.5 The Government Printer as a Source of Government Information.....	22
2.4.6 Kenyan Bureau of Standards .....	22
2.4.7 The National Council of Act Reporting.....	22
2.4.8 County Information Office .....	22
2.5 Value of Access to Information .....	23
2.5.1 The Right of Access to Information.....	23
2.5.2 Informed Decision-Making.....	24
2.5.3 Records Held by Public Office .....	24
2.5.4 Empowerment of the Common Man.....	24
2.6 Conceptual Framework.....	25
2.7 Chapter Summary .....	25
 <b>CHAPTER THREE .....</b>	 26
<b>RESEARCH METHODOLOGY .....</b>	26
3.1 Introduction.....	26
3.2 Research Design.....	26
3.3 Target Population.....	27
3.4 Area of study.....	28
3.5 Sample Size.....	28
3.5.1 Census Method.....	29
3.5 Sample Frame .....	29
3.6 Data Collection Methods .....	30
3.6.1 Questionnaire .....	31
3.6.2 Interview Schedules .....	31
3.6.3 Document Review.....	32
3.6.4 Validity and Reliability.....	32
3.6.5 Pilot Study and Pre-testing of the Instruments .....	33
3.7 Data Analysis and Presentation .....	33
3.8 Ethical Considerations .....	34
3.9 Chapter Summary .....	34
 <b>CHAPTER FOUR.....</b>	 35
<b>DATA PRESENTATION, ANALYSIS AND INTERPRETATION .....</b>	35
4.1 Introduction.....	35
4.2 Response Rate .....	35
4.3 Background Information of the Respondents .....	35
4.4 Information Access Act Good Governance and Integrity.....	36
4.4.1 Respondents Perception and Use of Access to Information Act .....	36
4.4.2. Request of Information from Other Public Organizations.....	37
4.4.3 Access to Information Act in Promoting Transparency .....	39
4.5 Level of Awareness of Access to Information Act.....	39
4.5.1 Other Ways Access to Information Awareness can be Created .....	41
4.5.2 Knowledge of International Day for Universal Access to Information .....	42
4.6 Methods Used by Government to Promote Access to Information .....	42
4.7 Value of Access to Information Act .....	44

4.7.1 Challenges in Implementing Access to Information Act .....	47
4.8 Chapter Summary .....	48
<b>CHAPTER FIVE .....</b>	<b>49</b>
<b>SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS</b>	<b>49</b>
5.1 Introduction.....	49
5.2 Use of Access to Information Act in Promoting Governance and Integrity .....	49
5.3 Establishing the Level of Awareness of Access to Information Act .....	50
5.4 Avenues in Promoting Access to Information .....	51
5.5 Value of Access to Information .....	52
5.6 Challenges in Implementing Access to Information Act.....	53
5.7 Conclusion .....	54
5.8 Recommendations.....	55
5.9 Suggestion for Further Research.....	56
<b>REFERENCES.....</b>	<b>57</b>
<b>APPENDICES .....</b>	<b>61</b>
APPENDIX 1: INTRODUCTORY LETTER TO THE RESPONDENTS .....	61
APPENDIX 2: QUESTIONNAIRES TO THE RESPONDENTS .....	62
APPENDIX 3: INTERVIEW SCHEDULE.....	67

## **LIST OF TABLES**

Table 1: Target Population Category .....	28
Table 2: Illustration of Sampling Frame .....	30
Table 3: Level of Awareness of Access to Information Act.....	41
Table 4: Avenues the Government Use to Promote Access to Information .....	44
Table 5: Value of Access to Information .....	47

## **LIST OF FIGURES**

Figure 1: Conceptual Framework .....	25
Figure 2: Age Bracket of Respondents .....	36
Figure 3: Knowledge of Access to Information Act.....	37
Figure 4: Request for Information from Other Organizations .....	38
Figure 5: Knowledge of International Day Universal Access to Information .....	42

## LIST OF ABBREVIATIONS

<b>ATI</b>	Access to Information
<b>CAJ</b>	Commission on Administrative Justice
<b>CDF</b>	Constituency Development Fund
<b>CHRI</b>	Commonwealth Human Rights Initiative
<b>FOI</b>	Freedoms of information
<b>ICT</b>	Communication Technology
<b>IDUAI</b>	International Day for Universal Access to Information
<b>IEBC</b>	Independent Electrol and Boundaries Commission
<b>IFLA</b>	International Federation of Library Associations
<b>IOT</b>	Internet of Things
<b>KARLO</b>	Kenya Agricultural and Livestock Research Organization
<b>KBS</b>	Kenya Bureau of Standards
<b>KIRDI</b>	Kenya Industrial Research and Development Institute
<b>KNADS</b>	Kenya National Archives and Documentation Service
<b>KNLS</b>	Kenya National Library Service
<b>MDAs</b>	Ministries, Departments and Agencies
<b>RTI</b>	Right to Information
<b>SDG</b>	Sustainable Development Goals
<b>TAI</b>	Transparency and Accountability Initiatives
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>URL</b>	Uniform Resource Locator

# **CHAPTER ONE**

## **INTRODUCTION**

### **1.1 Background to the Study**

Everybody has a right to request information from a public entity. Freedoms of information (FOI); similarly known as right to information and Access to Information Acts around the world establish rights and procedures around access to public information. In Kenya Access to Information Act, 2016 gives power and a constitutional right to information to any citizen. This is an act that was passed in Kenya in September 2016, to make it easier for citizens to access information. The right to Access to Information (ATI) is the right to get access to information that is held by public entities i.e. national and county governments and all public agencies. The Access to Information Act, 2016 gives Kenyan citizens the right of access to records under public institutions control. It lays down the conditions to which the public institutions are obliged to provide information out (Katiba Institute, 2018, p. 1).

Sweden was the first country to enact the Right to Information (RTI in 1766 so far, around the world nearly 120 countries have approved right to information acts, covering nearly 90 percent of the world (Michener and Values, 2015, p. 7). These acts have been widely used to enable people to attain their social and economic, as well as, their human rights. While Sweden may have passed its first piece of Access to Information in the 18th century, it took most of the rest of the world, a long time to come up with such. After passing its act, Kenya is one of the latest in the community of access to information. Kenya enacted Access to Information Act on September 21<sup>st</sup>, 2016.

### **1.1.1 Information**

Information comprises records irrespective of the form in which the information is kept, its source or the date of production. Information defines almost everything dealt with by any government organization. Information can also be defined as any entity in any form and comprises records, documents, memos, opinions, e-mails, press statements, circulars, contracts, papers, models and any data material in electronic form. Official

information is paramount as it enable citizenry to participate and make informed decisions on matters that affect their lives (Government of Kenya, 2016, p. 2).

### **1.1.2 Acts on Access to Information**

Passage of the legislation on access to information in a country, is often considered as an indicator of a turn away from a culture of secrecy and concealment towards a culture of sincerity, transparency, good governance and integrity. The Act on access to information (ATI) intended to encourage accountability and transparency in government by offering citizens a legally enforceable right to acquire precise information on the happenings and decisions of their government, this act will enable right to use information held by public establishments. This is because information is collected by the government on taxpayer's money and is a public good. The government should only be a custodian of the information. Mwananchi (citizen) will neither have to give reasons of why they need information from public offices nor be required to know anyone, or pay a bribe to get information (Commonwealth Human Rights Initiative (CHRI) contribution, 25 May 2013 p. 4).

The enactment of the act gives a new era for transparency, since all citizens are able to access and utilize information to hold the government accountable and promotes governance. In addition citizens can use the information for social economic development like a researcher or a farmer should be able to request information from institutions like Kenya Industrial Research and Development Institute (KIRDI), Kenya Agricultural and Livestock Research Organization (KARLO), and Safaricom, among others. The Act articulates the processes by which citizens can request information from public agencies and relevant private bodies. It also penalizes withholding of information by public officers.

So as to achieve desired levels of information, this information must be true and free as much as possible, of all error (Lumumba, 2014, p. 174). He further explains that information is one of the most important development resources in any society. The availability of information spurs on growth and development while its absence is

detrimental to the welfare of society. It is precisely this information and the ability to store it, in writing or by other means, which has given ancient societies an advantage over the less developed countries.

### **1.1.3 Article 35 of the Kenya Constitution**

Access to Information is enshrined in Article 35 of the Kenyan Constitution. According to the International Commission of Jurists-Kenya (2012, p.12), the act puts into rest the long-debated issue of government services that hold information from the public that they consider to be "secrets" Enacting Article 35 has a vast bearing on how information runs between government, and its citizens. It plays an important role in empowering citizens to see what is happening in the government and to expose corruption and maladministration. Public education is paramount to enriching ordinary citizens about the act in order to achieve broad social goals (Transparency International, 2016, p. 8). Transparency International (2016, p. 16) goes on to say that the Access to Information Act makes it compulsory for all public agencies to make accessible all information about; the organization, its activities, employees, pay levels or grades and other relevant information.. Others are to provide framework for proactive disclosure of information by both public and private entities i.e. agencies should provide information without being asked.

### **1.1.4 Private and Public Organizations in relation to Access to Information Act**

Private body is any entity that obtains public resources and benefits and engages in public functions, deals with public services. Such office hold information which is of importance to public interest (Government of Kenya, 2016, p. 12).

### **1.1.5 Governance and Access to Information Act**

Governance includes customs, institutions and procedures that controls how authority is shared, implemented, how decisions are made, and how authority responds on matters of public concern (Durrant 2014, p.42). Access to information is one of the foundations of good authority worldwide; it is at the centre of good governance, transparency and accountability. Democracy progresses when citizens are familiar with government

operations. Without access to information, citizens cannot participate in public life and decision-making. (GIZ Kenya, 2017, p. 2). In addition GIZ Kenya (2016, p. 24) states that poor data and lack of information allows inefficiency, ineptitude and corruption to flourish. The public should never act in ignorance. Citizens are encouraged to be alert to actions taken by government bodies and seek remedies where appropriate. The Access to Information Act, 2016 is a reference point on issues regarding access to information and clarifies what to do, should the right be denied. Good governance and accountability, simply put, is the practice of policymaking and the practice by which decisions are executed or not executed. Since decisions made can be good or bad, the investigation of the process by which we arrive at decisions is significant in governance (Odote, 2015, p. 45).

The right to information empowers public to access information held by public entities and enables them to hold their leaders responsible. The right to information is a vital tool for holding governments responsible, as it demands transparency in their undertakings. This not only helps fight corruption, but it helps build stable social equality, where leaders are genuinely accountable. Access to information has proved extremely effective in creating a more transparent national government. Leaders at all levels starting from the Ward level, Constituency, County up to the National level should be held accountable. Access to information will ensure that all citizens have relevant and accurate information about the operations, projects and funds of the Constituency Development Fund (CDF), in order to assess more precisely and objectively the functioning of the CDF in a particular village and constituency.

### **1.1.6 Openness and Information Integrity**

Integrity in public office is the value of being honest, with solid morals ethics, it is a conscious choice of an organization to steadily act according to laid down rules and regulations and ethical standards controlled by act and society's norms and values. Imperative qualities of politicians are truthfulness, humility and responsibility (Kaptein, 2014. p. 32). Every public organization shall preserve and protect its records that are accurate, of integrity, reliable, authentic, accurate and useable. (Access to Information

Act, 2016) p. 17). It follows that it is not only the people who should have integrity but also the records they produce in order to have a transparent government.

### **1.1.7 Kenya Vision 2030 in Relation to Access to Information Act**

The objective of Kenya Vision 2030 is to build a globally economical and thriving country with a modesty quality of life by 2030. It purposes to transform Kenya into an industrialized middle income country. Vision 2030 is grounded on three pillars; economic, social, and political. “Achieving the Vision 2030 Goals in Kenya depends on the government's preparedness to advance access to information, to motivate public involvement” according to the United Nation Development Program (UNDP) Country Director, Maria-Threase Keating. Speaking at a workshop in Mombasa, she stated that citizen outreach, recognition and ownership of landmark projects are critical to Kenya's growth. Access to information, in addition to being a fundamental right, is a significant element that can motivate economic growth, based on the awareness of citizens about why development projects can advantage them; she further noted that corporate governance would also be enhanced if the community has the capability to interrogate institutional apathy. (Mwakio, 2015, p. 46).

### **1.1.8 Context of the Study**

Principle contribution of the study was to evaluate Access to Information Act in promoting governance and integrity in public organizations. The study was carried out in two institutions namely Commission on Administrative Justice (CAJ) and Kenya National Archives and Documentation Service (KNADS). Commission on Administrative Justice is responsible for overseeing and enforcing this act. This is a constitutional Commission established by Articles 59 and section (3) of the Commission on Administrative Justice Act, 2011, with the task of receiving complaints about unfair administrative action by public entities, in other ways to strengthen administrative justice. The Access to Information Act added to the responsibilities of the Commission overseeing the execution and working of the Act and enforcing it.

Kenya National Archives and Documentation Service (KNADS) established in 1965, and hold more than 40,000 volumes of public records and archives. The Kenya National Archives holds thousands of documents, microfilm reels reports, newspaper articles, correspondence of the colonial government of Kenya from the 19th century until independence. KNADS mission is to offer consultative records management services to the public; preservation of valuable records as part of the nationwide documentary heritage.

Every Kenyan citizen (a person with Kenyan nationality) can access information in harmony with the constitution and the ATI Act. But a “citizen” does not have to be a human person: the ATI Act makes it clear any private body (like a company) is a citizen for this purpose if it is “controlled by” one or more Kenyan citizen. A company in which Kenyan citizens has over 50% of the voting shares would be controlled by citizens (Katiba Institute, 2018 p. 6).

The right to access public information denotes the right of every person to seek, request and obtain information held by the government (Nzioka, 2015, p. 1) Access to information is essential in a people administered by the act. For the reason governments keep information in confidence on behalf of citizens, it follows that citizens are eligible to get information in public offices custody. The act potentially changes the way business is done in the public service. One of the reasons corruption and maladministration are pervasive in Kenya is the culture of "sirikali ya serikali" (deep rooted culture of clandestineness within government grounded on long standing practices and attitudes) (Baswony, 2016. P. 4).

Government derives their power from the people, and without the will of the people government becomes illegitimate. Public entities act as custodians of information for the public good and not for themselves. In order for democracy to function well, it requires an informed citizenry which is only possible through the transparency of information. An informed citizenry can also help to question corruption deeds and also hold public officers accountable (Katiba Institute, 2018, p. 2).

## **1.2 Statement of the Problem**

Allowing people to seek and receive public information held by public authorities serves as a critical tool for bringing order in a country, fighting corruption, enabling citizens to fully participate in public activities, enabling people to make informed decisions, ensuring public institutions to be more efficient, and helping persons exercise their fundamental human rights. Public institutions act as the protectors of citizens' rights and as a bridge between citizens and the public information. While existence of such institutions is rooted in the notion of open government, the role they play in exploiting the existence of Access to Information Act has not been adequately recognized or exploited. The Constitution of Kenya (2010) grants the right of access to information to Kenyan citizens through Article 35. On the other hand most public institutions both at national and county levels are still unaware or ignorant to the existence of this Act (Katiba Institute, 2018 p. 4); in addition controlled access to public information has an incredible impact on people's lives.

When citizens are deprived of access to public information, the outcome is unnecessary suffering especially the common Mwananchi (citizen) who has fewer resources examples of a voter going for election without the right information or a farmer using a certain pesticide without proper instructions. Without access to information, citizens cannot participate in public life and decision-making, (GIZ Kenya, 2017 p. 2). Given the predominant 'culture' of secrecy of public organizations hoarding information, ordinary mwananchi (citizen) assume that, they are not eligible to information from public organizations. Moreover, due to the many 'gatekeepers', information seekers commonly face harassment when obtaining information from public bodies. In line with the Access to Information Act 2016; the citizens need to know that the notion has changed and legally, citizens have been empowered. The obligation has actually shifted to the 'givers and custodians', in that information will be given on request under Access to Information Act 2016; However the challenge facing the implementation is the high rate of illiteracy and that citizens are not aware of this constitution right.

Most Kenyans have been denied access to information and have for long been excluded from decision-making processes in public affairs. This has consequently led to a disillusioned citizenry who have even been christened into two categories of people as the ‘Wananchi’ and ‘Wenyenchi’, with the latter benefitting to the detriment of the former, as citizens feel completely left in the dark in involvement and in decision making. Shortage of information by the public institutions leaves the citizens vulnerable. This study was significant because it will look at the preparedness of the two organizations in implementing Access to Information Act.

### **1.3 Purpose of the Study**

The purpose of this study was to evaluate the Access to Information Act in promoting governance and integrity in public organizations.

#### **1.3.1 Objectives of the Study**

This study focuses on the newly passed Access to Information Act, 2016 in Kenya. The Objectives of this study are to:

- i. Examine the use of Access to Information Act
- ii. Establish the level of awareness of Access to Information Act, 2016
- iii. Identify the avenues which the public institutions use in promoting access to information
- iv. Find out the value of Access to Information

### **1.4 Research Questions**

The research was guided and sought to answer the following research questions:

- i. How is access to information used?
- ii. What is the level of awareness of Access to Information Act?
- iii. Which are the avenues through which the public organizations use in promoting access to information?
- iv. What are the values of access to information?

## **1.5 Justification of the Study**

The main principle of access to information legislation is that people have the right to know the undertakings of public establishments, except where there are good reasons not to do so. Essentially all individuals have the right to access public information. Release of information should be the custom. In other words, information must only be kept secret when there is a worthy reason and the act allows it. It is imperative to note that Access to Information Act is relatively new and is expected to change the way public officers handle provision of public information. A requestor of information is no longer obligated to give explanations why they need the information; quite the reverse, the person responsible for the information must justify the refusal of information to the citizen.

A good example is the few political parties, after the last general election who filed a Presidential petition demanding access to the Independent Electoral Boundaries Commission (IEBC) servers. The request was eventually granted and this demonstrates the right to information access based on Access to Information Acts, 2016.

The public official must treat all requests for information on an equal basis, except where the information is classified. The information someone can get under the Act should not be influenced by who he or she is, where he or she is coming from or whom he or she knows. All information requestors should be treated equally. Democracy requires well-informed citizens to be actively involved in public affairs and to participate in the definition of public policy priorities. Informed citizens are the most appropriate actors to shape and defend public sector reforms, and only citizens can genuinely guarantee democratic development. The provision of access to information depends on a comprehensive and effectively implemented case management program and therefore the results of this study are of great importance to the Government of Kenya. The findings and recommendations of this study will be of benefit to various groups, including government administrators, citizens and information providers, by providing ideas, strategies and guidelines on access to information. It is hoped that the study will influence the citizen to seek public information because it is their fundamental right. Similarly, this study will provide vital information-to-information seekers.

The results of this study are expected to be of great benefit to publishers, authors, booksellers and information professionals at all levels by influencing and informing them properly about the information resources to be provided. The study adds to most existing empirical and conceptual literature that researchers may find useful in their research work.

### **1.6 Scope of the Study**

The study focused on Kenya National Archives and Documentation Service (KNADS) and Commission on Administrative Justice (CAJ) staff who are from various departments but who in one way or another deal with access to information. Access to Information Act is relatively new having been passed in the year 2016; CAJ has been mandated to implement the act while KNADS is the repository and custodian of public information. There is a tendency of state officers being difficult in revealing information, it is understood that they come from an era of confidentiality, secrecy and hoarding information which is expected to change with the new act in place.

### **1.7 Limitation of the Study**

The study was limited to only KNADS and CAJ as much as there are other public organizations in Nairobi and other parts of the country. The reason for this was time constraint on the part of the researcher. Another limitation was the return of questionnaires. Not all questionnaires were filled and retuned as some of the respondents cited busy working schedules and were therefore not able to respond. Strictly the results of the research are related to the time when the study was conducted. Given that the situation of access to information is expected to improve and progress and through a combination of other factors, including use of Information Communication Technologies (ICTs), empowerment of public officers dealing with information, regular publication update and proactive expose of public information, the same research conducted in three years' time can give different results. Given that the study is based only in Nairobi, there remains the possibility that other factors may affect Access to Information Act.

## **1.8 Operational Terms and Concepts**

Locke (2013) says that definition of terms may not be understood by people outside the field of study and may go further than the common language

### **Governance**

Governance refers to all of the procedures of leading; refer to organizations and procedures that are planned to assure accountability, transparency, awareness, rule of act, stability, impartiality and comprehensiveness, enablement, and broad-based involvement. It also refers to the setting up of guidelines and continuous monitoring of their proper application.

### **Information**

Information is facts or details, which informs, it is a record that is correct, exact and suitable for a purpose. It can be an answer to an inquiry or question and includes documents, tapes, computer-generated or electronic records.

### **Integrity**

Foundation of any great organization is set on distinct values and beliefs that guide the definitions of the behaviors, systems and practices mandated to achieve the organizational goals

### **Personal information**

Identifiable Information regarding an individual and may include name, gender, sex, address, race, ethnicity, origin and level of education.

### **Proactive disclosure**

The act of releasing information voluntarily to all interested parties before it is demanded or requested.

### **Public organization**

State-run organization concerned with providing basic government services, which are funded agencies upheld by public taxation.

### **Public record**

Any publicly collected records by a public agency in the course of duty comprises of documents, letters, books, photographs, films, sound recordings, tapes, artifacts among others.

## **1.9 Chapter Summary**

This chapter provided a concise introduction on the research and background information. The aim of conducting the research was indicated with objectives and research questions highlighted. In addition the chapter stated the problem and gives the justification for doing the research, the scope and limitations are also provided. In addition, the chapter gives an operational definition of terms. In short, a general overview of the research has been elaborated, and the immediate chapter will review related literature.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

In this chapter, the researcher examined the relevant works undertaken by other researchers on the field of access to information and the benefits that accrue from it. Use of Access to Information Act in promoting governance and integrity in public organizations, numerous ways access to information is availed to the public and encourage citizens to exercise their fundamental rights to access information produced and under the control of government institutions. Challenges faced in accessing information by the public and possible recommendations for advancing and promoting access to information. Lastly, a conceptual framework that guides the study is provided. The literature on the background and enactment of access to information in Kenya is infrequent; the act is comparatively new, approved recently on August 31, 2016. Nevertheless, some researchers have contributed significantly to the act. Access to Information Act is expected to convey a range of benefits, leading in turn to an improved understanding of public administration, increased public involvement and increased guarantee (Darch and Underwood, 2010 p 42); (Hazell, Worthy and Glover, 2010. p. 32).

#### **2.1.1 Theoretical Framework**

Theoretical frameworks are constructed in order to describe, predict and master phenomena they introduce and clarify why the research problem under study exists. The paper hinges on liberal political rights framework which is a system of government in which demonstrative democracy functions under the philosophies of liberalism, i.e. defending citizen's rights, which are normally enshrined in act. Liberalism philosophy begins in the late 18th century as an undertaking towards independence and away from aristocracy (Girvetz, Ball, Minogue, Dagger 2012, p. 7) According to the Media Rights Agenda (2011) access to information held by public entities is an essential component of the right to freedom of expression and fundamental to the proper implementation of fairness.

### **2.1.2 Normative Assumptions Behind Freedom of Information Legislation**

FOI supporters commonly assert the act's ability to serve as a tool for achieving desirable social and political outcomes, including government accountability, good governance, integrity, and economic development. Early conceptualizations of FOI in the 20th century were part of international declarations of universal legal principles that sought to find a firmer foundation for act and morality in the aftermath of Nazi atrocities in World War II. These acts sought to protect what were seen as fundamental civil, political, and economic rights. (Universal Declaration of Human Rights, Preamble, 1948) (Calland & Bentley, 2013 p. 71).

FOI has also been understood within a liberal political rights framework that views rights as tools both to restrict state power and to further collective public interests. The liberal democratic tradition holds that all citizens should participate in self-governance and that rights are a central means of protecting individual liberty. In this view, the ability of citizens to act as rational political beings, to self-govern, and to participate in civic life is central to representative democracy (Dahl & Habermas, 1989).

FOI acts serve as tools to address democratic deficits and even developmental failures (Gaventa & McGee, 2013, p. 16). FOI also acts as a leverage right (Jagwanth, 2012, p. 14) or a prerequisite for the exercise of other socio-democratic rights (Calland & Bentley, p.54 2013; Gaventa & McGee, 2013, p. 24). For example, in Kenya information regarding politicians is essential to effectively exercise voting rights, and knowledge of government policies and procedures may be necessary to obtain government services.

As more countries, not all of which are mature democracies, engage in freedom of information initiatives, FOI has been associated with concepts of accountability and good governance (Calland & Bentley, 2013, p. 47). FOI is often a central part of transparency and accountability initiatives (TAI) that address developmental problems (Gaventa & McGee, 2013, p. 28). Transparency and accountability initiatives typically combine FOI legislation with other mechanisms designed to bring government information into the public domain and hold governments accountable for their actions. These initiatives

assume that increasing access to information leads to more transparency, while transparency leads to more accountable decision-making. In this approach, FOI is intended to deliver more participatory democratic forms of government, to improve government delivery of goods and services, to increase government accountability, and to reduce corruption (Darch & Underwoode, 2010, p.16). Transparency and accountability initiatives theorize a direct connection between access to information and socio-economic development. This school of thought often draws on market metaphors to understand the relationship between governments and their citizens, conceptualizing the state as an essential service provider and citizens as its customers (Gaventa & McGee, 2013; Kosack & Fung, 2014, p. 25). Ultimately, transparency and accountability initiatives positions FOI as a mechanism to help achieve a more efficient economy, better standards for health, education, food security, and a better environment (Darch & Underwood, 2014, p.54). The Constitution of Kenya 2010, brought a more liberal approach and provided for the right of access to information under Article 35.

## **2.2 Use of Access to Information Act**

The first objective was to examine the use of the ATI act on access to information in promoting governance and integrity in public organizations. According to Johanna and Gunnlaugsdottir, 2015, p. 15, informing citizens is an important part of the government's responsibilities. Increased transparency is considered by many to strengthen the foundations of democracy. Citizen participation is paramount to the success of democracy. Kenya is the 21st country in Africa to adopt a right of Access to Information e.g. commentators argue that the promulgation of the act is part of a new era for transparency, as citizens can have access to information and use it to hold government accountable and promote governance. One of the items on the right of information contained in Article 35 is to promote an open and transparent government. It is a specific right that underpins the values of transparency, accountability, good governance and public participation.

The Constitution of Kenya has made progress in strengthening the protection and guarantee of this right. Article 35 of the Kenyan Constitution stipulates, "Everyone has the right to correct or suppress false or misrepresentative information that affects the person" (Government of Kenya) 2010 p. 47. However, like any other right, the right to information is not unconditional. It has some limitations, this is essential to protect confidential information. These limitations, however, should be clearly set out in act to avoid discretionary arbitration of this right by the supreme lords (Franceschi, & Lumumba, 2014, p.175).

### **2.2.1 Access to Information by Citizens**

Access to information empowers citizens to better evaluate and hold responsible the government that supposedly works for them, (Michener and Values, 2015, p. 12). Good governance, citizen involvement and accountability without access to information would be an illusion, (Karanganwa, 2015, p. 78). Governments around the world generate enormous volumes of information to carry out and implement their undertakings. Such information is amassed by data on finances, agriculture, culture, devolution, County government, ethnicity, transport and infrastructure, environment, land, housing, energy, tourism, mining among others. Governments hold information on behalf of citizens, and Mwananchi enjoys the right to request information in the custody of a public entity and use it to improve their lives. (Transparency International Kenya 2015, p. 4; Yannoukakoua, 2014, p. 333).

According to Walubengo, (2016, p. 12), "the reduction of corruption through greater transparency is a major milestone. Access to information is also likely to motivate innovation around the digital economy. "A number of organizations accrue considerable information that could be distributed for study and modernization or improvement of life. For instance, traffic cameras capture a lot of data and motorized information around the major cities like Mombasa, Kisumu, Naivasha and Nairobi; this information can be made available and disseminated to innovators who can generate solutions related to traffic around them, such as the Smart Cities we see in industrialized countries. We expect to see value-added data related to data and even people, i.e. a better-quality world of

Internet of Things (IOT). Innovators can write to public organizations and request such data. Earlier, public information, such as the number of cattle dips, nursery schools, primary schools, tarmac roads or health canters available in a given location, was not easy to get. Currently citizens are guaranteed by the Act to get such information upon request and within a specific period.

### **2.2.2 Private Organizations and Access to Information Act**

Information held by private organizations may also be requested. Such information may include the number of mobile users or Internet consumers at the County levels as opposed to the countrywide data we obtain from the regulator. These data can be modified to take out details that can recognize specific individuals and distributed to innovators and researchers for data mining purposes. The Act empowers every citizen to apply such information. In case such response is not forthcoming or is not satisfactory, citizens may bring up the matter to the Office of the Ombudsman. Information, which is primarily held by government agencies, is an important economic resource. Information enables citizens to engage in public enterprise and is a significant means for promoting transparency and accountability in public institutions (Murungi, 2012, p.2).

### **2.2.3 Access to Information from Public and Selected Private Entities**

Kenyans can now access information from public and selected private entities after the President assented the Access to Information Act. The Access to Information Act of 2016 now gives effect to Article 35 of the Constitution, which, in particular, grants all citizens the right to access information in Government custody, including information about another person and is necessary for safeguarding the right to respect. The act also obliges public bodies to clarify their engagements, strategies or decisions to citizens if they seek such explanations. (Ombudsman, 2017, p. 2).

Citizens may enquire for information in writing in either Kiswahili or English and, in the event that he or she cannot access the information or because of a disability, he or she is authorized to make oral requests. The Commission's mandate in respect to the new Act includes the handling of complaints; examination of the reports of public bodies on the

application of the Act; and monitor Kenya's implementation of international obligations related to access to information, among others. The act was long overdue since Kenya is a party to the African Charter on Human and Peoples' Rights, which provides for the right of access to information. Kenya ratified the Agreement in the year 1992.

#### **2.2.4 Access to Information as a Fundamental Pillar for Development**

Governments and businesses require correct information to innovate and contribute to the development of a healthy, sustainable, and economically vibrant society. Information is the intangible good used by people to develop services and enhance knowledge; it is deeply woven into the fabric of sustainable development. Unlike other resources that diminish with use or need renewal the value of information increases with its use; the more widely it is used and shared, the greater its impact. Right of access to information is fundamental to the democratic functioning of societies and the well-being of each individual. It enables the strengthening of citizen participation and the exercise of socio-economic and political rights, promotes development, economic performance and makes national and county authorities accountable for their undertakings and management of public funds and public services. Access to Information Act requires governments and public officials to be accountable and transparent. Access to Information helps to build up a culture of accountability among public officials, who are obliged to put their actions at the service of the public interest. (IFLA 2017, p. 87).

### **2.3 Raising Public Awareness on Access to Information**

The second objective of the study was to establish the level of awareness of Access to Information Act. In Kenya, the history of the legal and institutionalized confidentiality of government processes created an atmosphere in which the right to information has traditionally been devalued, enabling corruption and other state excesses to flourish. Transparency International, Kenya (Transparency International Kenya 2015, p. 4) Public awareness, education and participation are fundamental elements for real accomplishment of right to information (Oyeronke, 2012, p. 66).

### **2.3.1 Orientation and Awareness**

Awareness is paramount for the purpose of promoting and strengthening culture of access to information for the citizens to be aware of their basic rights; Commission on Administrative Justice should collaborate with various program areas to promote awareness and develop customized training to address Access to Information needs; this is expected in increased engagement and awareness, (Government of Kenya, 2016, p. 23).

### **2.3.2 International Day for Universal Access to Information**

United Nations Educational, Scientific and Cultural Organization (UNESCO) designed the International Day for the Universal Access to Information (IDUAI) also known as the Access to Information Day inaugurated in November 2015. The year 2016 is the first year of UNESCO marking 28th September as the “International Day for Universal Access to Information”.

## **2.4 Avenues Through which the Access to Information is Made Available to Citizens**

The third objective of the study was to identify avenues through which the government uses in promoting access to information i.e. proactive disclosure. According to the government of Kenya (2010, p. 48), “state will publish and publicize any significant information concerning the nation”. The Act also considers persons with disabilities, method of communication and the cost. (Access to Information Act, 2016, p.8) The Act further details that in three years’ time from the date from which this act commenced (21<sup>st</sup> September 2016), public organizations were to digitize their records in order to enable smooth implementation of the act. There is need for public organizations to make use of existing ICT platforms including social media, to make available the information in the public domain while all stakeholders should promote awareness on use of Information and Communications Technology (ICT).

Walubengo (2016-p.12) states that, "The main implementers of Access to Information Act are the Principal Managers of public entities involved in collection, storage and release of information of public interest." More precisely, citizens can now contact the

senior Secretary of a Department or the Chief Executive Officer of a government agency and ask for the advanced details of bids granted. The act entails public servants to answer back within a specified timeframe otherwise, they would be penalized. The offences and penalties are very clearly stated in the Act, disclosing exempt information contravenes the act and any person who knowingly does so commits a crime (Government of Kenya, 2016, p. 19). This should largely help to make public policy decisions open, transparent and accountable.

#### **2.4.1 Proactive Disclosure of Information**

Proactive disclosure refers to a situation where information is released routinely with the exception of information that the government is required to protect due to privacy risks, the agencies proactively make their records publicly accessible as this is an essential part of the act. Public organizations should not wait for citizens to request for information they should make use of modern technologies available to notify citizens of what is available, disclosure should be timely". (Villoria, 2014, p. 37)

With proactive information, the public office goes out of the way to make data accessible to the public through websites and portals without waiting for citizens to ask for the information. The more proactive the disclosure, the less the demand for information and the less the proactive disclosure, the more the requests and disputes, (Villoria, 2014, p. 42) Disclosure of information by public entities means that a public organizations shall simplify access to information in custody of such an entity. Such may comprise but not limited to responsibilities of officers, process used, salary scales among others, (Access to Information Act, 2016, p. 23).

#### **2.4.2 Huduma Kenya**

Huduma Kenya is a government programme whose purpose is to change and improve public service delivery. Citizens are facilitated access to numerous public services from one-stop center through incorporated technology platforms.

This means that citizens are able to get documents like birth certificates, national identity cards, drivers' licenses, police abstracts, NSSF registration, member statements and benefits, registration of welfare groups, reporting corruption and many other services in one place. According to Juma (2013, p. 12), in its efforts to improve service delivery, the Kenyan government is committed to using Huduma Kenya as a platform of efficiency. The first Huduma Kenya was launched in November 2013, and since then almost all the other Counties have a Huduma center and millions of Kenyans have benefited without traveling for long distances to seek information.

#### **2.4.3 Digital Villages: Pasha Centers**

A Pasha Centre is a Digital Village Project (DVP) whose significant purposes are to offer a collection of services to the public through computers connected to the internet. ("Pasha" means "to inform" in Swahili). This is the government's effort to provide for digital inclusion to all, particularly citizens from marginalized communities. Pasha centers are ICT hubs, started to address the ICT inequalities between urban and rural populations.

#### **2.4.4 The Kenya Open Data Portal (KODI)**

The Open Government Portal is an effort by the Kenyan government to improve governance. It is a joint program whose purpose is to secure solid obligations from governments to empower citizens, it comprises of government data encompassing from agriculture, finance, health to education trends, it has compiled significant information like Constituency Development Fund (CDF) expenditures, demographics, poverty rates, education among others to be accessible online at the click of a button and accessible anytime anywhere, (Government of Kenya, 2015, p. 2).

This is a proactive effort to disseminate unstructured raw data for transformation and development by using the information to produce new value-added products. (Yannoukakou and Araka 2014, p. 332). The portal gathers information from different agencies on areas such as budgetary expenditures and funds for County development, detailed statistics on demography, health and service delivery, Access to essential

services for instance electricity, transport, health, education and water. The portal enables average users to download information on both computers and mobile phones. Open data motivates economic development, new sectors are initiated, nurtures innovation and this generates innovative ways for citizens to prosper (Verhulst & Young, 2016, p. 54).

#### **2.4.5 The Government Printer as a Source of Government Information**

The Government Printer publishes certified documents on behalf of the Government of Kenya. It publishes official government documents, vital publications of the government, subsidiary legislation, the Kenya Gazette and proposed Bills to be presented to Parliament among others. The Government Printer also publishes official government reports, rules and regulations among others.

#### **2.4.6 Kenyan Bureau of Standards**

An Act of Parliament established the Kenya Bureau of Standards (KBS) in 1974. Its mandate is to promote standardization; develop standard quality testing and production; and enable trade by inspecting the quality of imports and exports. KBS publishes information relating to standards.

#### **2.4.7 The National Council of Act Reporting**

National Council of Law Reporting responsibility is to monitor and report on the development of Kenya's jurisprudence through publication of the Kenya Act Reports; revising, consolidating and publishing the Acts of Kenya. In addition to providing legal information, the council has initiated providing soft copies of the Kenya Gazette on its website. They have also archived the Kenya Gazette electronically thereby ensuring accessibility to all through its website.

#### **2.4.8 County Information Office**

The Counties of Kenya are geographical entities planned by the 2010 Constitution of Kenya as the units of decentralized government. According to Warui, (2016, p. 7), "free flow of information and ideas lies at the core of the very notion of equality." In the absence of respect for the right of access to information, constitution abuses take place in

secret, it becomes difficult to exercise the right to free and fair elections, and there is no system to uncover inefficient government and private entities. Access to information includes the right to seek out, obtain and impart ideas, information and knowledge.

## **2.5 Value of Access to Information**

Information is vital human rights in the modern era it can change the way people view the world around them and how we can adapt our lives to maximize the benefits of our local resources (Ashwill & Norton, 2015). The right to public access to information owned by government establishments enables citizens to play a part in decisions affecting their essential human, social and economic rights related to sustainable growth. Banisar, (2017, p. 57). In Kenya farming a major sector is being transformed because of access to real-time information. Many farmers mainly those in rural areas doing small scale farming lack access to information on modern farming techniques, suitable inputs like seeds, pest control methods, available market prices, transportation schedules, and climate changes making them vulnerable. ATI enables citizens to make more informed choices. A tradition of the legal and institutionalized secrecy of government procedures has resulted in an atmosphere where the right to information has been depreciated historically, causing fraudulence to thrive (Nzioka, 2015, p. 26).

### **2.5.1 The Right of Access to Information**

Previously absence of Access to Information Act in public institutions hindered citizen's enjoyment of the right to access information. More than 100 countries in the world have embraced this right from the largest like USA to the smaller ones like Cook Islands. Near home, a number of countries like South Africa, Tanzania, Uganda and Rwanda. One can be denied access to information for reasons such as; if the information touches on matters of national security, if it is private or personal information of another person, if it is on national threat. Public organizations must answer back to the applications within a restricted period (Banisar, (2017, p. 56).

### **2.5.2 Informed Decision-Making**

Information is power. With a view to promoting the enablement of citizens, consider the consequences of an ignorant voter in Kenya participating or not participating in the polls. Like IEBC in Kenya has been called upon to undertake intense training to the citizens on voting rights. Access to information encourages open sense of ownership in society. Access to information and corruption is a two way process when citizens have access to information they become empowered, if they are denied information corruption thrives. Former World Bank president James Wolfensohn normally identified government corruption as the principal prevention to development. Access to information held by the state allows the public to be aware of governmental decisions. Information is vital to make informed decisions (Haddad, 2014, p. 2).

### **2.5.3 Records Held by Public Office**

Access to public records is required for successfully monitoring of public entities' undertakings. The capability of citizens to hold government accountable may be directly related to their competence to see what information is collected, how it is preserved, whom it is about, and how it is used. Guarding records is essential and ensuring compliance with record-keeping requirements help organizations avoid costly fines and other penalties. Public records play an important role in independent governance. Finding information can be complex both for citizens and officials. For easier retrieval catalogues, registers and indexes are among the tools used to make finding information easier.

### **2.5.4 Empowerment of the Common Man**

Common person (mwananchi) has been empowered by this initiative in which they have the full rights to be informed about anything that affects their life directly or indirectly. Citizens are authorized to know how taxes paid by them are utilized. The act allows them to assess and examine every government decision, to ensure that government acts in a transparent and just manner. Access to information supports development by enabling individuals, like marginalized community to put into effect their rights, be economically active, be innovative and take part in decision-making (IFLA, 2013, p.8).

## **2.6 Conceptual Framework**

This is a logical tool with variants and contexts used to identify concepts in the study, including the relationship. The conceptual framework includes independent and dependent variables. There are various dependent and independent variables involved in achieving effective access to information. This dependency relationship illustrated in figure 1. In the independent variables, the use of access to information promotes good governance and integrity, level of awareness is also paramount, avenues used in making information accessible benefits citizens and encourages them to use to access the information at their disposal value of access to information all pooled together and there immeasurable benefits and significance of having access to information.

INDEPENDENT VARIABLES		DEPENDENT VARIABLE		OUTCOME
Access to information	→	Access to Information Act	→	Effective access to public information
Accessibility to public information				
Level of awareness	→		→	Better access to information
Proactive disclosure from public institutions	→			
Significance of access to information	→			

**Figure 1: Conceptual Framework**

## **2.7 Chapter Summary**

This chapter examined applicable literature which informed this research. An overview of Access to information, review of the literature pertaining to other aspects of the concept was presented. A conceptual and theoretical framework was also presented. The next chapter looks at the methodology used by the researcher.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

Research methodology outlines the procedures undertaken in accomplishing the study. The focus of this chapter is on the research design, area of study, target population, sample size and sampling techniques, data collection methods, research instruments, procedures used in data analysis and presentation among other aspects. The author developed the survey questions and settled on the survey questions after a pilot was conducted. The questions were designed based on Access to Information Act in promoting governance and integrity.

#### **3.2 Research Design**

Research design is an approach, the plan and structure of conducting the research project. It holds together all fundamentals in a research and it shows how all the major parts of the research project work together to try to address the central research questions. Creswell (2012, p. 146) defines research design as plans and procedures for research that span the decisions from broad assumptions to detailed methods of data collection and analysis.

The study used a descriptive research design where a case study strategy was employed. Bryman, (2016, p. 50-73) describes research design as the method of suitable organization of all the essential conditions, and data analysis in a cost-effective manner and appropriate to the study. In addition, Kothari (2018, p. 35) describes research design as the procedure of appropriate organization of all the essential conditions and data analysis in an efficient manner but appropriate to a qualitative and quantitative study. Habib et al., (2014) averred that descriptive research assists to obtain the characteristics of a particular problem.

More simply put descriptive research is all about describing people who take part in the study a descriptive study was carefully designed to guarantee complete description of the situation, guaranteeing that there was minimum bias in the collection of data and to

reduce errors in interpreting the data collected. Creswell, (2013, p. 149) identified three research designs: qualitative, quantitative, and mixed methods approach. Quantitative research uses statistical methods to show relationships between variables, whereas, qualitative research relies on observation and written description. The qualitative researcher deals primarily in words and pictures while the quantitative research uses numbers and statistics. A quantitative research design was used in determining percentages and frequencies. It was also useful in drawing tables and pie charts that brought out the study results. A qualitative technique was applied by means of interview and open-ended questions, which provided the exploration of concepts with participants. Cresswell (2011), p.4 defines mixed method as the study adopted by using both qualitative and quantitative research designs to gain in-depth knowledge of access to information. In this study mixed method research is defined as a type of research in which a researcher combines elements of qualitative and quantitative research approaches for example the use of qualitative and quantitative viewpoints, data collection, analysis inference techniques for the purpose of breadth and depth of understanding and corroboration (Creswell, 2011, p. 49).

### **3.3 Target Population**

Saunders, Lewis and Thorbill (2012, p. 42) describe population as the total group of individuals, objects or items with similar characteristics. Zikmund, and Griffin, (2012, p. 205-206), further discussed to population as a whole of all features, subjects, that hold a precise set of one or more mutual characters that outlines it. The target population for this study encompassed Commission on Administrative Justice staff that formed a total population of 90 and Kenya National Archives and Documentation Service (KNADS) headquarters staff who formed a total population of 39; the two organizations making the total target population of 129. This population included staff in areas like legal, research and investigation, communication, library, records management, information and communication technology and administration that make use of public information. The following Table: 1 shows the population of the staff.

**Table 1: Target Population Category**

<b>Respondents</b>	<b>Target Population</b>
Commission on Administrative Justice	90
The Kenya National Archives and Documentation Service	39
<b>Total</b>	<b>129</b>

Sampling is the collection of some part of a total on the basis of which a deduction about the totality is made; this is the process of selecting a representative group from the population under study (Kothari 2018, p. 147).

#### **3.4. Area of study**

Gill (2011, p. 112-113), observes that before any researcher embarks on the study, there is needs to sort out the location for his study. He says that forethought and attention to detail will make it easier for the researcher. The study was conducted at The Commission on Administrative Justice and at The Kenya National Archives and Documentation Service (KNADS) headquarters. The institutions were preferred because CAJ has been mandated to carry out the implementation of the Act while KNADS is the sole custodian of public information.

#### **3.5. Sample Size**

Sample size denotes to the number of items to be selected to create a sample. The size of a sample should neither be extremely large, nor too small. It should be optimal; this is the one that fulfills the necessities of efficiency, representativeness, reliability, and flexibility. It is called a sample because it only represents part of the group of the population whose opinions or behavior being investigated. Kothari (2016, p. 53), further states that sampling is the process of obtaining information about an entire population by examining only a part of it. It is a smaller group or sub-group obtained from the accessible population to represent the total population, hopefully representative collection of units from a population used to determine truths about that population Field (2011, p. 19-23).

Further Ngoako (2011), states that the sample size is the number of participants chosen from the entire population Zikmund et al. (2012, p. 384-385) sampling technique refers to the processes used to select a representative model from the target population. Simple random sampling was suitable for this study because the population was diverse Connaway and Ronald (2010, p. 128) say that “the general rule of thumb for the size of the sample is, quite simply, the larger the better.” Marshall (2013, p. 125) opines that the size of the sample is determined by the optimum number essential to allow valid inferences to be made about the population. The researcher chose to use a larger sample size to conform to the above statement.

### **3.5.1 Census Method**

Census method is when the entire population of persons is contacted. When a small group is selected as representative of the entire mass it is known as sampling method. For this study census was used; a census survey collects complete information from all participants in the population. All members of the two organizations were included. Despite all survey sampling options this study opted to use census since the population was not vast the number of staff members was small i.e. 129. The advantage of using census is increased confidence interval. (Kothari 2018, p. 28).

## **3.5 Sample Frame**

Sampling frame is the list or other procedures used to define researchers population of interest (Fowler, 2012, p. 42). The researcher, through the human resource department, was able to get the number of employees based within the two organizations; this aided to select a sample. Sample frame in this study included a list of staff members of CAJ and KNADS as indicated in Table 2.

**Table 2: Illustration of Sampling Frame**

<b>Commission on Administrative Justice</b>			
1	Top Management	4	4
2	Finance & Administration	40	40
3	Legal & Advisory	32	32
4	Research & Investigation	5	5
5	Compliance & Risk	6	6
6	Advocacy & Communication	3	3
<b>Total</b>		<b>90</b>	<b>90</b>
<b>The Kenya National Archives &amp; Documentation Service</b>			
1	Administration Department	16	16
2	Search Room	3	3
3	Repository	5	5
4	Library	2	2
5	Conservation	4	4
6	Microfilm	4	4
7	Audio Visual	3	3
8	ICT	2	2
<b>Total</b>		<b>39</b>	<b>39</b>

### **3.6 Data Collection Methods**

According to Ngoako (2011, p. 27), the data collection method is all about the processes, techniques and tools used when gathering data from the sampled participants. Research Instruments are measurement tools intended to collect data from research subjects. These include questionnaires, scales surveys and indexes. The research instrument chosen determines the validity and reliability of the research project. Orodho, (2012 p. 47). In this study, a combination of data gathering methods was used to gather data. The researcher employed a combination of data collecting instruments to obtain the desired results. Primary data was collected using a combination of structured and non-structured questions, which were administered directly to the respondents by the researcher. The questionnaires had both open-ended and closed-questions and the method of

administration of the questionnaires was done by the drop and pick method to allow respondents sufficient time to complete the questionnaires appropriately.

### **3.6.1 Questionnaire**

Johnson and Christensen (2011 p. 37) describes a questionnaire as a “carefully designed instrument for collecting data directly from people.” Questionnaires were prepared and distributed to the sampled target population and collected later. The researcher collected data by use of questionnaires. Questionnaires distributed to the target population identified in the sampling frame. The questionnaire was divided into sections; the first section aims at gathering the demographic information of the respondents. The other sections addressed various themes in the background and objectives of the study. Questionnaires tend to be more objective and detailed in data collection process.

### **3.6.2 Interview Schedules**

This is the method of gathering data and involves presentation of oral-verbal stimuli and reply in terms of oral-verbal responses. This method can be used through personal interviews and, if possible, through telephone interviews (Kothari, 2019, p. 92). An Interview is a planned approach through which the researcher obtains facts from the information relating to the subject of the research. Kumar, (2012, p. 134-137) says that an interview procedure gives an opportunity to establish rapport and greater flexibility in collecting information since the researcher and the respondent are both present. Interview is probably the most commonly used method in social research. Interview is more economical than observational methods since interviewee can report on a broad range of situations that he has observed so acting as the eyes and ears of the researcher.

Interview brings out about things that cannot be seen or heard, such as the interviewee’s inner state. This involved preparing an interview schedule of semi-structured questions to the informants. The target here was Directors and Officers involved in the access to information implementation. A thematic interview schedule was prepared for the interviewees who were allowed some latitude in the way they answered the questions.

An in-depth interview with seven key informants, purposively selected was conducted for purposes of gaining qualitative information for the study. The interviews were necessary in reviewing the statements made on the specific topics and determine if there is a consensus or disagreement on responses from the questionnaires. The findings from interviews were presented in various topics.

### **3.6.3 Document Review**

The study used current information resources associated with the study in order to collect more information on the subject. Comparison of different findings formed the cornerstone of the study. One of the key advantages in conducting documentary research is that the researcher can get access to information that would be difficult to get in any other way, such as people or cases who might not be willing to talk in a formal research interview or might be difficult to track down. The researcher also had input of own opinion regarding various arguments and studies that were used in this study to either agree or contrast on various points.

### **3.6.4 Validity and Reliability**

Validity is the degree to which the researcher collects data that replicates the accurate representation of the phenomenon being studied, it is a measure of how well a test measures. (Kasalu & Ojiambo, 2012, p. 26) while on the other hand, Mugenda, (2014, p. 99) affirms validity in data collection is an indication that your findings correctly represent the phenomenon under study; it is about solid claims and accuracy of the data obtained in the study. For the results of a study to be considered valid, the measurement procedure must be reliable. Bhattacherjee, (2012, p. 56) emphasizes this statement by stating, “Reliability implies consistency but not accuracy.” Reliability is the level to which a process yields the same answer time after time and the degree, which the results of a measurement can be depended on to be accurate (Kasalu & Ojiambo, 2012, p. 28).

Validity of data collection instruments was based on the findings of the pilot study by making the essential amendments to the questionnaire and filling the gaps discovered during the pilot study. Reliability in this study comprised of experienced information

professionals in information management, legal professionals as well as other professionals in other areas.

### **3.6.5 Pilot Study and Pre-testing of the Instruments**

Pre-test is a small-scale research project that collects data from respondents similar to those that will be used in the full study. It serves as a guide to examine specific aspects of the research to see if selected procedures will actually work as intended. It is essential to undertake a pilot study before undertaking the main research. The objective of the pilot testing aims to establish the validity and reliability of the research instruments and hence enrich face validity. From the results of the pilot study, improvements can be made. In this study, the pilot study was conducted to evaluate the validity and reliability of the data collection methods. According to Kothari, (2018 p. 101) pilot study is the model of the rehearsal of the main survey Kingori, (2013, p. 139) reiterates that piloting and pretesting of research questions enables the researcher to guarantee that the research instruments are working well and to iron out any teething hitches that may arise. The pilot study was carried out at Kenya National Library Services, (KNLS) headquarters. The respondents were purposively sampled. These were twenty comprising of respondents from each different department. Respondents were mandated to give feedback to detect ambiguities and problematic questions. The researcher noted the time taken to complete the questionnaire to decide whether it was realistic. Piloting also assisted in establishing that responses could be interpreted in terms of the information that was vital re-wording any questions that were not answered as expected.

### **3.7 Data Analysis and Presentation**

This involves the preparation of data collected into useful, clear and comprehensible information. Data analysis and processing encompasses coding, editing, consolidating as well as grouping into thematic areas and content analysis. Breaking it into convenient units, synthesizing it, searching for patterns, determining what is significant and what is to be learned and, determining what will be reported. According to Hair, et al, (2011, p. 42) quantitative data analysis may involve using descriptive statistics to achieve an understanding of the data. Microsoft Excel was used to accomplish descriptive statistics.

Graphs, tables, and charts were used for easy understanding and describing the data. The data collected from the field was analyzed and sorted out into significant and appropriate information.

### **3.8 Ethical Considerations**

Ethical aspect of the study was supported by use of a letter of introduction from the University of Nairobi as an application for authorization to conduct the study. In addition, a covering letter was used to introduce the purpose of the study and the questionnaires was handled with confidentiality, dispersed directly to the respondents in their specific workstation, and collected later at a specified date and time.

### **3.9 Chapter Summary**

This chapter presented the research methodology adopted. This involved research design, study population, sampling technique, sample size, data collection methods, and data analysis. The methodology comprises using logical methods in collecting data. The nature of the study guided the designed approach that ensured appropriate data within the scope of the research study was obtained to answer the research questions. The following chapter presents data and interpretation.

## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

#### **4.1 Introduction**

Chapter four outlines the data presentation, data analysis, results and discussions of the study. The study used questionnaires and responses from the interview schedule with respondents to obtain data and information. The analyzed results are presented in form of charts and tables. The aim of this study was to evaluate the use and level of awareness of Access to Information Act in promoting governance and integrity a case of Kenya National Archives and Documentation Service and Commission on Administrative Justice. To achieve this, the study was founded on four objectives which included: to examine the use of Access to Information Act in promoting governance and integrity in public organizations, to establish the level of awareness of Access to Information Act, to identify the avenues through which the public institutions use in promoting access to information and to examine the value of access to information. This chapter presents data based on the four objectives of the study.

#### **4.2 Response Rate**

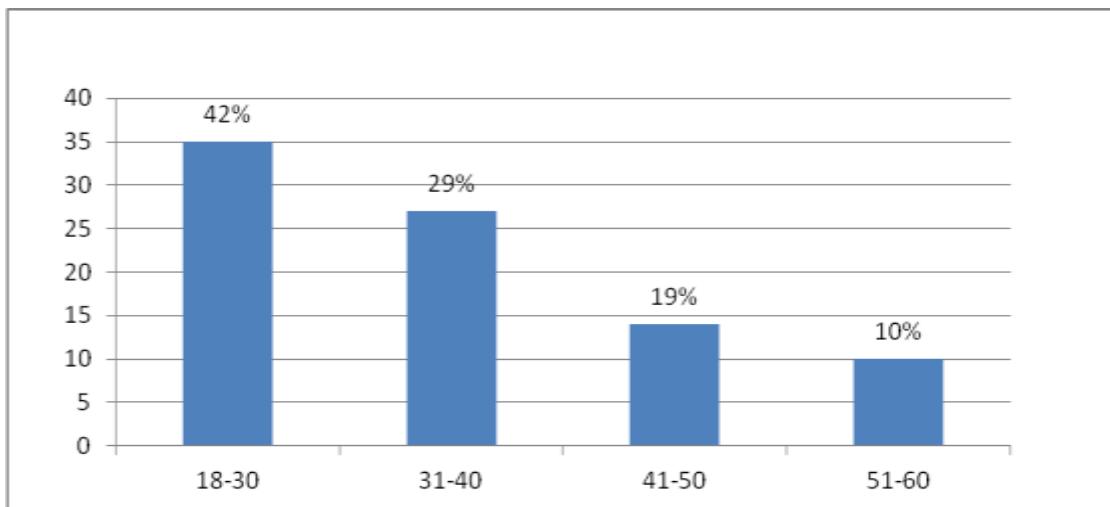
Largely the study employed the use of questionnaires and interviews. In total 129 questionnaires were distributed, out of which 86 were completed and returned, with a response rate of 67%. Additionally, eight senior staff members were available for the interview. The response rate can be attributed to the willingness of the respondents to take part in the study. The chapter expounds analyses of data from the interview schedules and questionnaires used in the study.

#### **4.3 Background Information of the Respondents**

The study highlighted demographic information based on gender and age bracket. From the questionnaires distributed 42% of the respondents were male while 58% were female. The information sought was on the gender of the participants. Gender distribution in the current set-up is very important, as a means of an all-inclusive organization. When organizations are more inclusive their employees feel a sense of belonging which is

extremely important in building trust and productiveness. The two organizations have a near half inclusion which is acceptable.

In addition, the age of the respondents is as illustrated in Figure 2. The age bracket 18-30 was (42 %,) 31-40, (29%), 41-50 (19%) and 51-60, (10%). The age bracket 18-30 years has a higher number representing the young professionals in CAJ and age 51-60, which has 10%, represented the top staff in management in both organizations.



**Figure 2: Age Bracket of Respondents**

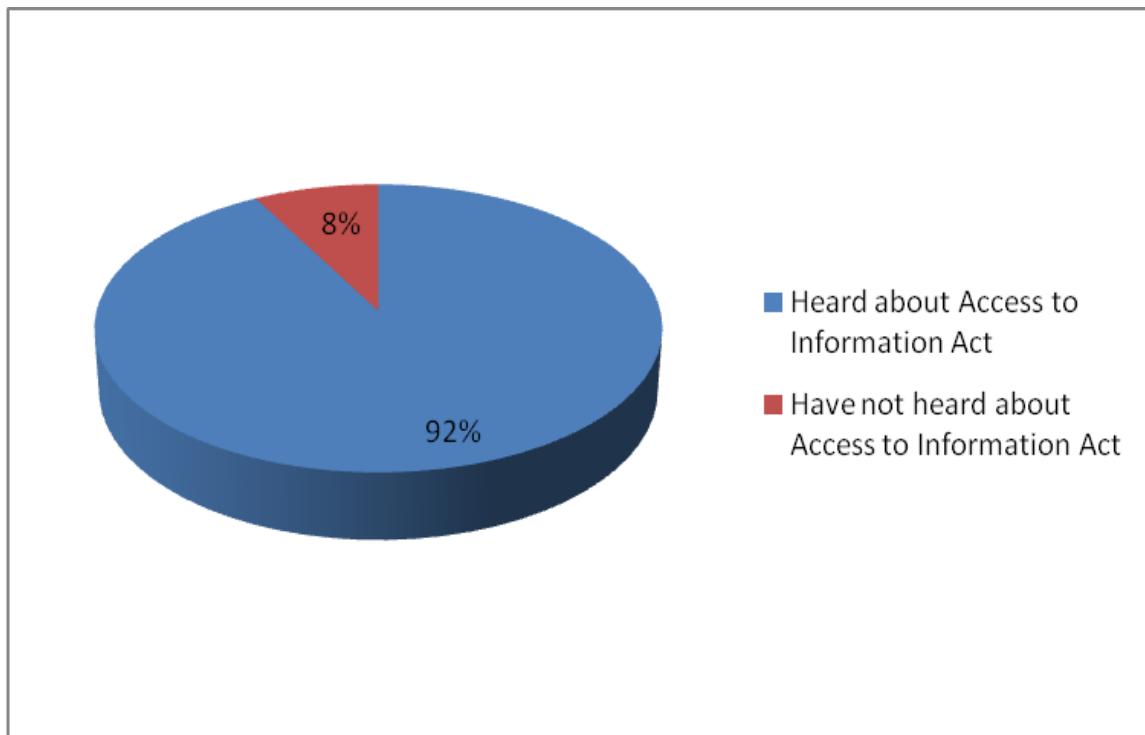
#### **4.4 Information Access Act Good Governance and Integrity**

In these respect three aspects of the study were involved, knowledge of Access to Information Act, request of information from other public agencies and access to information in promoting transparency.

##### **4.4.1 Respondents Perception and Use of Access to Information Act**

The study sought to find out if the respondents are aware of the existence of the Access to Information Act. In the year 2017 this Act made landmark in the Presidential Petition, No. 1 of 2017 where the Supreme Court of Kenya applied Access to Information Act, to grant the parties access to the IEBC servers. Respondents were asked to indicate if they have heard about the act or not. Respondents agree that they are aware of the existence of the Access to Information Act. Almost 100% of them affirmed their awareness of the act

while under 10% indicated lack of knowledge of the act, an indication that awareness and knowledge of the act is high among the staff of the two organizations as indicated in Figure 3. There is an urgent need to make the act known by all so that they can serve others from a point of knowledge.



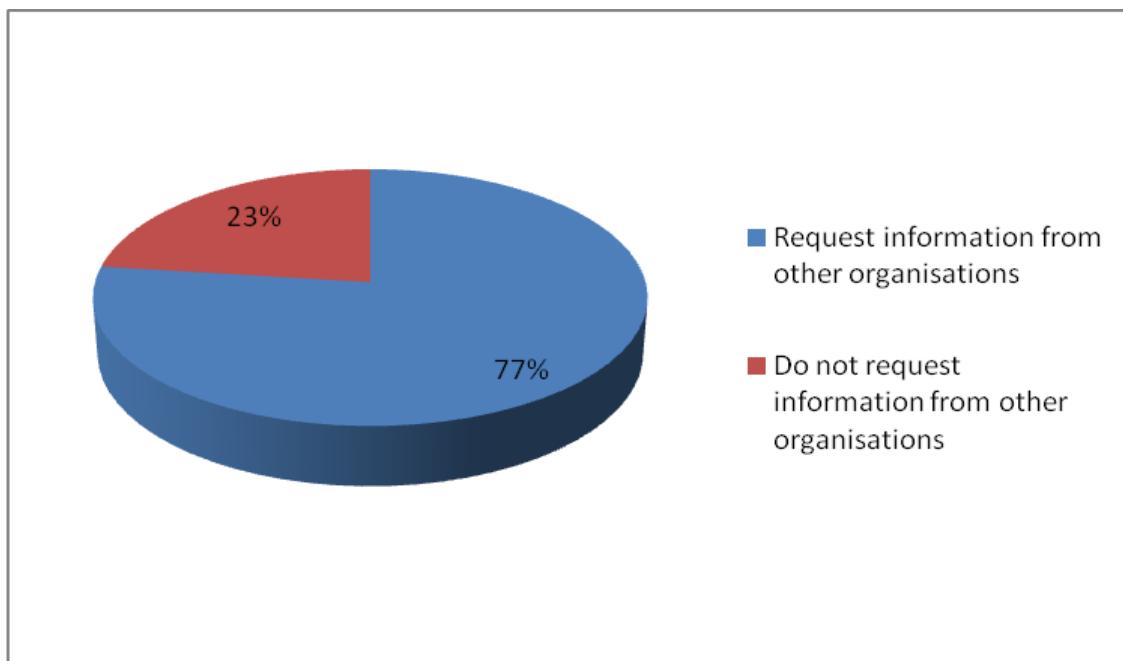
**Figure 3: Knowledge of Access to Information Act**

Citizens have the right to access information in accordance with the constitution (Katiba Institute 2018, p. 6). It is the right of Kenyans to know how national and county governments are performing and how public resources are allocated; this is because corruption flourishes in darkness and secrecy. Government is supposed to be proactive in releasing and sharing information. (Access to Information Act, 2016, p. 5).

#### **4.4.2. Request of Information from Other Public Organizations**

The study sought to establish if public organizations request information from other public agencies. Respondents were asked to indicate if they request for information from other public organization's; (77%) indicated they request for information while (23%) indicated they do not request information from other organization's as indicated in Figure

4. This shows that information is vital and all public organizations must work closely and share information when sought by their counterparts or by the members of the public.



**Figure 4: Request for Information from Other Organizations**

Public entities shall preserve and maintain records that are accurate, authentic, have integrity and useable; and in a manner that supports right of access to information. When information is shared it enables quick and effective decision making, reuse of ideas, experience and expertise. It also helps in avoiding making the same mistake several times and helps in communicating widely and quickly important information. (Access to Information Act, 2016, p. 17).

The study sought to know how Access to Information Act can be used in promoting governance and integrity in public organizations and this is what one of the directors had to say “information is lifeline of a nation and should be shared freely and if possible proactively “another one added “information should not be shared for the sake but should be information that can support social, economic and cultural welfare of the citizen”. When asked possible reasons for the refusal to grant information what came out strongly is The "thirty-year rule" which is the other name for acts in Kenya which provide that

certain public documents will only be made public thirty years after they were created. One of the Directors feels that some of the documents cannot be accessed before thirty years are over. He emphasized that information is not refused for the sake but there is always rules that are followed” another one added that there are legal documents that cannot be shared.”

#### **4.4.3 Access to Information Act in Promoting Transparency**

The study sought to establish if access to information promote transparency. In a multiple response questionnaire, respondents were asked to tick various statements as per their level of agreement or disagreement. The results revealed that (58%) strongly agreed, (35%) agreed while (7%) indicated they did not know as indicated in Table 2. It is the right of Kenyans to know how national and county governments are performing and how public resources are allocated; this is because corruption flourishes in ignorance and secrecy. Access to Information Act is expected to promote transparency. Availability of information can also put a check corruption and encourage responsibility on the part of public officials since they know that their activities are subject to inspection. Government derives their power from the people, and without the will of the people government becomes illegitimate. Public entities, therefore, hold information not for themselves but as custodian of the public good. For democracy to function well, it requires an informed citizenry which is only possible through the transparency of information. (Katiba Institute 2018, p. 11).

#### **4.5 Level of Awareness of Access to Information Act**

The study sought to establish the level of awareness of Access to Information Act. Issues of the study were number of times organizations make information available to users, frequency organizations refuse to grant requests for information, possible reasons for refusal to grant information, need for civic education to create awareness, other ways access to information can be created and knowledge of International day for universal access to information. Respondents were asked to state their level of agreement or disagreement with various statements. On the number of times organization makes its information available the results as illustrated in Table 3 revealed that (20%) avail their

information very often (58%) often, (16. %) indicated sometimes while (6%) indicated that information is availed rarely. On how frequent organization refuse to grant requests for information the results as illustrated in Table 3 revealed that 3% indicated very often, 6% often, 64% sometimes 21% rarely while 6% indicated never. Right to Information Act is intended to give effect to the right of access to information by citizens as provided for under Article 35 of the Constitution, promote routine and systematic information disclosure (Katiba Institute 2018, p. 12).

On the possible reasons for the refusal to grant information in their organization this is what the respondents had to say: When records have not attained 30 years since closure i.e. thirty (30) years rule. If the information jeopardizes the safety of the individual or when it exposes private, personal information of an individual. Confidential or classified information. Information that would bring instability to the country if it were shared. Nature of information especially sensitive touching on the aspect of national security interests. When the requested information is not available. When the person dealing with information matters is not accessible, lost or misplaced. To prevent respondents from threats from the complainants.

The information may be used to the disadvantage of a complainant if released to the public e.g. victims of police brutality. Information on matters before a court of act. On matters that are under investigations. Sensitive and confidential information shared with the Commission in the course of its work. To protect the integrity of the institutions. This shows that different organizations have diverse reasons why they refuse to share information and hence sometimes they do not share information.

In addition respondents were asked on the need for civic education to create awareness at the community level. As indicated in Table 3 the results revealed that (84%) of the respondents strongly agree while 16% agree. This shows there is an urgent need for civic education to make Access to Information Act known and understood. Public awareness programs need to be initiated for the purpose of promoting and strengthening a culture of access to information for the members of the public. "Access to Information Act demands

citizen's change their attitudes. Usually, citizens are not accustomed to asking for information, nor do they know that they are entitled to it" we need civic education so that people understand that they have the right to information and know where to get it. There is a direct connection between the right to information, well-informed citizen and good governance. Access to Information offers citizens the opportunity to be conversant about what the government is doing for them, why and how it does it (Dahal, 2011, p. 57). In terms of the need for civic education to create awareness at the community level, the respondents were asked the extent to which they think civic education is needed to make Access to Information Act known and understood.

**Table 3: Level of Awareness of Access to Information Act**

Statement	5	4	3	2	1
Access to Information Act in Promoting Transparency	58%	35%	7%	0	0
How often the organization makes its information available to the members of public	20%	58%	16%	6%	0
How frequent organization refuse to grant requests for information	3%	6%	64%	21%	6%
Need for Civic Education to Create Awareness	84%	16%	0	0	0

#### **4.5.1 Other Ways Access to Information Awareness can be Created**

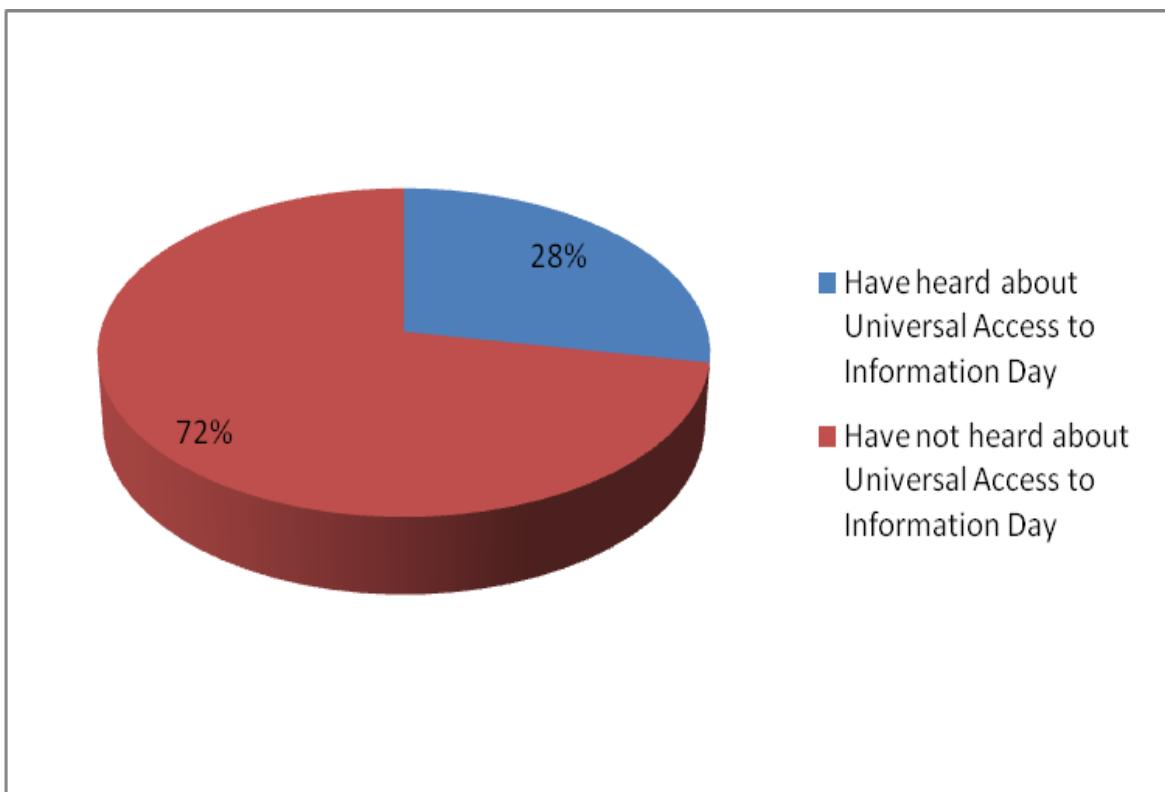
Mass media is a varied collection of media skills that influence a huge audience through mass communication; it is the primary means of communication used to reach the vast majority of the public and it plays a crucial role in promoting access to information. In addition respondents were asked to indicate other ways access to information awareness can be created and this was their response:

- 1) Use of advocacy and sensitization, use of outreach activities. Inclusion of Access to Information Act in organization charters, inclusion in the education curriculum. Use of billboards and notice boards at local levels, use of social media platforms, public gatherings like village barraza's, road shows, exhibitions and use of press releases
- 2) Putting information in websites

- 3) Through training of Ministries, Departments and Agencies (MDAs)
- 4) Training and sensitization programmes by the government and use of Bunge la Wananchi

#### **4.5.2 Knowledge of International Day for Universal Access to Information**

The finding in relation to knowledge of International Day for Universal Access to Information is illustrated in the Figure 5. Majority of the respondents, 72%, have never heard about Universal Access to Information Day, only 28% have heard about it. Knowledge of Universal Access to Information day would promote and increase the visibility of access to information and its use (Sendugwa, 2015, p.6).



**Figure 5: Knowledge of International Day Universal Access to Information**

#### **4.6 Methods Used by Government to Promote Access to Information**

The study sought to establish methods used by public entities to promote access to information. Issues of the study were Huduma Kenya as a venture for bridging information gap, open government portal as an effort by Kenyan government for improving governance, National council for Law Reporting in digitizing Kenya Gazette,

educating citizens and situation of information management and storage systems. Respondents were asked to state their level of agreement or disagreement with various statements. On whether Huduma Kenya undertakings are bridging the access to information gap the results as indicated in Table 4 revealed that (32%) strongly agree, (60%) agree, (5%) do not know while (3%) disagree.

On Open Government Portal as an Effort by Kenyan Government for Improving Governance the results in Table 4 revealed that (36%) of the respondents strongly agree, (55%) agree, (7%) disagree while (2%) disagree.

On National Council of Act Reporting in Digitizing Kenya Gazette the results in Table 4 revealed that (65%) strongly agree, (33%) agree while (3%) do not know. In three years' time from 21 September 2016, all government offices should have digitized their records according to the Act in order to promote efficient access to information. (Access to Information Act, 2016, p. 17).

Regarding Educating citizens and specifying information that has limited access the study pursued to find out if educating citizens and specifying information that has limited access is necessary. The results revealed that (79%) strongly agree (20%) agree while (1%) disagree as illustrated in the Table 4. The right of access to information is not absolute access is limited in respect to information whose disclosure can destabilize national security.

**Table 4: Avenues the Government Use to Promote Access to Information**

Statement	5	4	3	2	1
Huduma Kenya as a venture for bridging the access to information gap	32%	60%	5%	3%	0
Open government portal as an effort by Kenyan government for improving governance	36%	55%	7%	2%	0
National Council of Act Reporting in Digitizing Kenya Gazette	65%	33%	2%	0	0
Educating Citizens and Specifying Information that has Limited Access	79%	20%	1%	0	0

According to Cuillier and Piotrowski (2011, p. 442), the main methods of making available public information includes, proactive disclosure when public information is willingly and proactively published while reactive disclosure is when public information is disseminated or shared on demand. Kenya government has provided a range of information available for public access. There is need to open more avenues and enhance the existing ones like opening Huduma Centers in every County to reach more citizens in rural areas. There is also a need for the Government Printer to digitize their publications to make them accessible by the common man.

In addition the study sought to find out the condition of present information management and storage system. According to the respondents: Information management and storage systems are presently based on the manual form. The digitization of records and processes is yet to be given proper attention, a lot need to be done, and records are yet to be digitized. The situation is wanting and the management need to improve on the current technology as far as access to information is concerned.

#### **4.7 Value of Access to Information Act**

The study sought to examine the value of Access to Information Act. Issues of the study were value of Access to Information Act as a powerful weapon against the culture of impunity, Requests for Information to Public Organizations and Accountability and

Openness and Trust. Respondents were asked to state their level of agreement or disagreement with various statements.

On Access to Information Act as a powerful weapon against the culture of impunity. The results revealed that, majority (78%) of the respondents strongly agreed that ATI is a powerful tool, (19%) agreed while (2%) do not know and (1%) disagree as indicated in the Table 5. The term "culture of impunity" signifies a situation in which people in society have come to believe that they can do whatever they want without having to face any consequences for their actions. The researcher sought to know from the staff the value of Access to Information Act and this is what they had to say "this is the best thing that has happened in Kenya but what needs to be done is a lot of awareness otherwise it might be like the proverbial say where a candle was lit but put under the table. Commission on Administrative Justice need to create awareness even using the local language as this is a beautiful Act that empowers the citizen."

The Government of Kenya identifies information as an important resource that must be created, organized, preserved and protected for reference, research and national posterity Dependable; well-maintained information aids governments identify how to serve people. Information is valuable for decisions making, organization and remaining transparent. Government keeps a register of voters in all Counties, when such information is made secret from citizens or is inaccurately retained, this gives room for corruption. Access to Information Act is a powerful weapon against the culture of impunity (Wamunyu, 2016, p. 8).

Regarding requests for information to public organizations and accountability the results revealed that (56%) strongly agree, (41%) agree (2%) do not know while 1% strongly disagrees as indicated in Table 5.

Lack of transparency and accountability presents a major risk to the efficiency of public offices. Access to information in the hands of the state enables citizens to be aware of government resolutions that can influence the environment and individual lives.

Similarly, Access to Information empowers the public to play a part in criticism and developments of government, which can eventually aid prevent detrimental happenings that may result to substantial harm to people's health or other areas. Government agencies that properly manage their information are rewarded with several benefits Transparency International, Kenya 2015, p. 4) and Ngoako (2011, p. 25).

On Openness and Trust the results revealed that (63%) strongly agree (33%) agree while (2%) do not know and (1%) disagree as indicated in Table 5. Where openness and trust prevails, there is well-being and abundance, where there is no openness and confidence there is a lowering of living standards, and the citizens suffer. It is the responsibility of the State to sensitize its citizens on the Access to Information Act. All Kenyan citizens should become aware of this act and become aware of authorities and duties of oversight commission on the act so that they can access their basic right and bring forth any complaint regarding access to information in public organizations.

Governments around the world create and produce enormous volumes of information that ensures the execution of their operational tasks when interacting with interested entities, such as citizens and businesses. This type of information can cover finance, social security, agriculture, health, education, culture, among others; this information is collected, collated and stored by government agencies at all levels from Ward, County to National. Obtainability and access to public information should be significant for each government that looks after its citizens (Yannoukakou and Araka p. 2014 - 333). In a multiple response questionnaire respondents were asked to tick various statements as per their level of agreement or disagreement.

**Table 5: Value of Access to Information**

<b>Statement</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Access to Information Act as a powerful weapon against the culture of impunity	78%	19%	2%	1%	0
Requests for information to public organizations and accountability	56%	41%	2%	1%	
Openness and Trust	63%	33%	2%	1%	1%

#### **4.7.1 Challenges in Implementing Access to Information Act**

In addition the study sought to find out if there are challenges in implementing Access to Information Act. The respondents were asked to give their opinions on the challenges in implementing Access to Information Act Ossai-Ugbah (2012, p. 22), Akanwa and Ossai-Onah (2013, p. 3) highlighted the advantages, limitations and difficulties of the Access to Information Act. They are of the view that the benefits outweigh the costs. Ngoako (2011, p. 23). The Directors were asked to state the challenges that would hinder effective implementation of the Act. Here are their views: one Director cited “lack of funds and willingness of the government to fund” while another cited “lack of awareness by the citizen.”

The study established possible challenges, which could hamper implementation of Access to Information Act, which includes lack of regulations, infrastructure to operationalize the Act and ignorance by citizens on the provisions of the Act. Lack of empowerment to the regulating body e.g. Commission on Administrative Justice in terms of funding, reaching out to the entire public require funds which may be limited, Lack of political goodwill. The Access to Information Act needs to be simplified for ease of understanding by the Mwananchi. In addition, there is need for enforcement mechanism; resources, capacity to educate and train individuals who can explain it to those who do not know what it is in simpler terms. Change resistance among the government institutions. Major challenge is that not a vast majority of Kenyans know that they have a right to information and the few who knows do not understand the procedure to go about it. Lack of sensitization of citizens on provision of the Act.

The culture of impunity in most public offices and the failure by workers to follow laid down procedures in accessing information. Poor records and information management practices and infrastructure, lack of proper record keeping and digitizing the records as well as synchronizing them for availability for use across the board. Other acts tend to clash with Access to Information Act e.g. the Secrets Acts, 30 years of rule. Lack of clarity on the nature and extent of the limitation of right of access to information i.e. lack of clear guidelines on which category of information should be disclosed from government institutions. The mentality that government information is confidential, bureaucratic procession in accessing the information and resistance by Public Officers in granting access to the information. Culture of impunity and negative organizational culture toward access to information. Appropriate measures need to be taken to curb these challenges, which might hinder implementation of Access to Information Act.

#### **4.8 Chapter Summary**

The analysis in this chapter has looked at several issues with regard to Access to Information Act in promoting governance and integrity. Each objective was analyzed and presented in form of table, pie chart or graph. Data was collected through questionnaires which were sent to the staff of Kenya National Archives and Documentation Service and Commission on Administrative Justice. The qualitative analysis from the interview questions from the staff is also contained in this chapter. The next chapter five looks at the findings of the study and gives recommendations to the challenges regard to Access to Information Act in promoting governance and integrity.

## **CHAPTER FIVE**

### **SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

The study obtained findings resulting from the objectives and research questions. This chapter presented the summary of findings, conclusions and recommendations that were derived from chapter four on data analysis and interpretation. The chapter is divided into sections, which included the summary of findings, conclusion, recommendation and areas for further study.

#### **5.2 Use of Access to Information Act in Promoting Governance and Integrity**

The first objective of this study was to examine the significance of Access to Information Act as in promoting governance and integrity in public organizations. In establishing this, the study findings revealed that though this is a significant Act that was used recently and made landmark in the just concluded Presidential Petition, No. 1 of 2017 where the Supreme Court of Kenya applied it to grant the parties access to the Independent Electoral and Boundaries Commission (IEBC) servers. A big number of the respondents do not know about this Act and this is an indication that still a big number has not heard about this Act.

There is an urgent need to make the Act known by all including the members of the public so that they can benefit from it. On request of information from other organizations, the study revealed that majority request information from other organization. This shows that information is vital and all public organization should work closely and share information when sought by their counterparts or by the citizens. It is the right of Kenyans to know how National and County governments are performing and how public resources are allocated.

### **5.3 Establishing the Level of Awareness of Access to Information Act**

The second objective of the study was to establish the level of awareness of Access to Information Act, 2016. On how frequent the two organizations refuse to grant requests for information findings reveal that majority refuse sometimes, in addition the study established the possible reasons for the refusal to give information, which included but not limited to: when records have not attained 30 years since closure i.e. thirty (30) years of rule, if the information jeopardizes the safety of the individual or when it exposes private or personal information of an individual, confidential and classified information. Information that would bring instability to the country if it were shared. When the requested information is not available and when the person dealing with information is not available. To prevent respondents from threats from the complainants, the information may be used to the disadvantage of a complainant if released to the public e.g. victims of police brutality. In addition information on matters before a court of act and matters that are under investigations, Sensitive and confidential information shared with the Commission in the course of its work. This shows that different organizations have diverse reasons why they refuse to share information and therefore there is urgent need to let the public know from the onset what is available and what is classified otherwise this act can easily be abused by the Information Access Officer.

Regarding the need for civic education to create awareness at the community level findings, reveal that majority of the respondents strongly agree. This shows there is urgent need for civic education to make access to information known and understood. Public awareness programs need to be initiated for the purpose of promoting and strengthening a culture of access to information for the members of the public. Access to Information Act entails citizens to change their outlook. Usually, citizens are not habituated to requesting for information, nor do they recognize that they are eligible to it. Civic education is needed so that people understand that they have the right to information and know where to get it. Right to information, knowledgeable citizenship and good governance are closely interrelated. ATI offers citizens the chance to be informed about what the government is doing for them, why and how it does it.

In addition to mass media, the study revealed other ways access to information awareness could be created which include: advocacy and sensitization, outreach activities, awareness campaigns in the Counties. Inclusion of Access to Information Act in organization charters, in the education curriculum especially for secondary and colleges / universities. Information, Education and Communication (IEC) materials, use of billboards and notice boards, use of social media platforms. Use of public gatherings / Village Baraza's / Debates, road shows and exhibitions. Make use of press releases. Use of websites through online videos and content rich blogs. Through training of Ministry Department Agencies (MDAs) through workshops for Non-State-Actors. Training and sensitization programmes by the government also through community organizations and Bunge la Wananchi.

An interview with Directors dealing with access to information complaints (September 2017) showed that access to information complaints was on the rise but not as expected hence citizens' need to be empowered. The study established that majority of the respondents have never heard about International Day for Universal Access to Information. Knowledge of Universal Access to Information Day would promote and increase the visibility of information and its use; the day can be used as a platform to advance access to information.

#### **5.4 Avenues in Promoting Access to Information**

The third objective of this study was to identify the avenues through which the public institutions use in promoting access to information. In establishing this, the study findings revealed that Huduma Kenya is actually bridging the access to information gap. In relation to Open Government Portal as an effort by Kenyan government for improving governance. The study revealed that the Open Government Portal (OGP) is bridging the gap by making information accessible. The magnificence OGP portals are that data is combined and put within a single Uniform Resource Locator (URL) so the consumer gets the information from one stop shop. Regarding The National Council of Act Reporting in digitizing Kenya Gazette the study strongly established that this is a good practice. In three years' time from 21 September 2016, all government offices should have digitized

their records according to the Act. Regarding educating citizens and specifying information that has limited access; the majority would like information that has limited access specified. Regarding the situation of present information management and storage system in both organizations, the study established that both organizations are still analog in managing their records. The digitization of records and processes is yet to be given proper attention. There is need to move to the digital side to save up on time and cost.

### **5.5 Value of Access to Information**

The fourth objective of this study was to examine the benefit of access to information. In establishing this, the study findings revealed that Access to Information Act as a powerful weapon against the culture of impunity majority of the respondents strongly agreed that ATI act is a powerful tool in promoting governance and integrity. Dependable, well-kept information aids public organizations know how to assist its citizen.

Concerning whether requests for information to public organizations make public institution accountable to the public. The study established that requests for information to public organizations would make public institution accountable to the public. In the public sector, the absence of transparency and culpability presents a major risk to the effectiveness of public offices. Access to information held by the national and county government can be seen as an essential human right and a vital element of democracy. It allows the public to be responsive to government decisions that can influence the environment and individual lives.

Concerning openness and trust the study established that majority of the respondents strongly agreed there is a need for openness and trust in public organizations. Where openness and trust triumphs, there is well-being and abundance, where there is no openness, trust there is a lowering of living standards, and the citizens suffer. It is the obligation of the State to sensitize its citizens on the Access to Information Act. All Kenyans should become aware of act so that they can access their basic right.

Governments and public administrations around the world create and produce enormous volumes of information that ensures the execution of their operational tasks when interacting with interested entities, such as citizens and businesses. This type of information can cover taxation, social security, agriculture, health, education, culture, among others; this information is collected, collated and stored by government agencies at all levels from Ward, County to National. Obtainability and access to government information should be the top priority for each government that looks after its citizens.

### **5.6 Challenges in Implementing Access to Information Act**

The study gave possible challenges, which could hamper implementation of ATI, which includes Lack of regulations and infrastructure to operationalize the Act, ignorance by Kenyans on the provisions of the Act. Lack of empowerment to the regulating body e.g. CAJ in terms of funding, reaching out to the entire public require funds which may be limited, Lack of political goodwill. The Access to Information Act needs to be simplified for ease of understanding by the Mwananchi. In addition, there is need for an enforcement mechanism. Change resistance among government institutions. A major challenge is that not a vast majority of Kenyans know that they have a right to information and the few who knows do not understand the procedure to go about it. Lack of sensitization of citizens on provisions of the Act.

The culture of impunity in most public offices and the failure of members of the public to follow access to information procedures. Poor records and information management practices and infrastructure, lack of proper record keeping and digitizing the records as well as synchronizing them for availability for use across the board. Others acts tend to clash with Access to Information Act e.g. the Secrets Acts, 30 years of rule. Lack of clarity on the nature and extent of the limitation of right of access to information i.e. lack of clear guidelines on which type of information can be disclosed from government institutions. The mentality that government information is confidential, bureaucratic procession in accessing the information and resistance by Public/State Officers in granting access to the information. The culture of impunity and negative organizational

culture toward access to information. Appropriate measures need to be taken to curb these challenges, which might hinder implementation of Access to Information Act.

## **5.7 Conclusion**

The findings of this study show that Access to Information Act is vital and empowers citizen access government-held information in fighting corruption and upholding good governance, as well as effective public involvement in government undertakings. Access to Information Act 2016, opened a new chapter in the Kenyan quest for information on public issues. It is unfortunate that very little responsiveness has been granted to the milestone since the inauguration of the Act in 2016.

In conclusion, and notwithstanding challenges ahead, Kenya has taken a stride forward. The Access to Information Act is now available to Kenyans as an empowering tool for good governance and integrity. Kenya now closes a historic transparency gap in passing the Access to Information Act as it is considered as one of the major gaps in combating corruption in a country. Worldwide governments are moving towards openness and transparency, the development of acts to facilitate access to information is a vital obligation for modernization of the public sector and for effective governance. Globally the move to openness is supported by impartial access to information as a basic human right. However, there are some limitations that may adversely affect the results or generalizability of the outcome of the study. This research project undertaken by a single researcher, some limitations of the study were highlighted.

The results of the research are strictly related to the time when the study was conducted. Given that the situation of access to information is expected to improve and progress and through a combination of other factors, including the use of ICT, frequent publication and proactive disclosure of public information, the same research conducted in three years, time can give different results. Given that the study is based only in Nairobi, there remains the possibility that other factors may affect access to information. On practical implications, there is need to support Access to Information Act in Kenya.

Findings from this study revealed the following:

- 1) On examining the use of Access to Information Act in promoting governance and integrity in public organizations. Since its inception in 2016, the Act has been used for justice and a number of citizens benefitting from its use. It was also used in the concluded Presidential Petition where the Supreme Court of Kenya applied it to grant the political parties' access to the Independent Electoral and Boundaries. A big number affirmed their awareness of the act.
- 2) On establishing the level of awareness of Access to Information Act, 2016  
There is a need for further research on the best means of promoting awareness and developing public participation in accessing and using public information. Civic education is paramount to create awareness.
- 3) On avenues used in promoting the act, the study revealed that Huduma Kenya is actually bridging the gap in provision of information to a large extent. Others like Open Government Portal, National Council for Law Reporting are also bridging the gap.
- 4) Regarding the value of Access to Information the study revealed that Access to Information Act as a powerful weapon against the culture of impunity Access to Information Act has an overall purpose of mitigating corruption and provides the citizenry the capability to access documents held by public agencies.

There is need to learn from other countries that passed the act before Kenya to avoid the pitfalls they experienced in implementing the act.

## **5.8 Recommendations**

Based on the findings of this study, there are challenges, which might hinder realization of Access to Information Act, and they need to be looked into if Access to Information Act is to succeed in Kenya. In the view of the research findings, the research recommends the following:

- 1) Public institutions embrace openness culture by ensuring information is readily available. Behavior change among Access to Information Officers in public offices. Proper information and records management support in digitization

develop portals where non-classified information can be placed for citizens to access. There is also need for budgetary allocation for putting up proper infrastructure for implementation and above all political commitment.

- 2) Regarding level of awareness towards Access to Information Act, 2016 it is recommended that the Commission on Administrative Justice which has been mandated to execute this Act carry out a vigorous awareness so that members can reap the benefits, as this is their constitutional right. For the citizen effective continuous public education and campaign at the grassroots level like using the local languages to reach a large audience. Create awareness of right holders on their rights and duty bearers on their obligations.
- 3) On the avenues which public institutions use in promoting access to information. There is need to establish more Huduma Centers, especially at the County level to reach more people. Up-to-date information should be proactively put in Open Government Portal as searching from many websites can be confusing especially to the common man who doesn't have Information Communication Technology (ICT) knowledge. An adequate information management system should be designed and established, it is expected that in three years' time since its inception all public offices should have digitized their record.
- 4) Concerning the value of Access to Information, citizens need to be educated on how the access to information assists them. Citizens need to know that the act exists and it is their constitutional right and enforce the punishment for breach of the act.

### **5.9 Suggestion for Further Research**

Since Access to Information Act came into effect, recently 2016, a further research is recommended to establish the level and understanding of the act, there is urgent need to move to digitization. Virtually, public entities need to open the walls of their information silos. Although this study was limited to two organizations, it provided a foundation for future research. There is much to be done; this area deserves attention in future research areas like on impact, benefits, and difficulties of access to Information need to be further explored.

## REFERENCES

- Abuya, E. (2013). Access to Information in Africa.  
<http://booksandjournals.brillonline.com/content/books/b9789004251892s012>  
(Retrieved 22.1.2018).
- Article 19 Kenya. (2016). <New dawn for transparency as Access to Information Law is Passed. <https://www.article19.org/resources.php/resource/38461/en/kenya:-new-dawn-for-transparency-as-access-to-information-law-is-passed> (Retrieved 22.6.2018).
- Ary, D. Jacobs, L., & Sorensen, C. (2010). Introduction to Research in Education (8<sup>th</sup> edition). California: Wadsworth.
- Ashwill, M. & Norton A. (2015). Rights and social action for risk management.
- Banisar, D. (2017). Role of transparency and Access to Information in development.  
<http://friendsofgovernance.org/index.php/paper-1-role-of-transparency-and-access-to-information-in-development-david-banisar/> (Retrieved 24.7.2018).
- Bassoon, C. (2016). Access to Information in Kenya a Game Changer. Betty Waitherero Blog. <https://bettywaithereropress.com/tag/articles-35/> (Accessed on 4 Jun 2018).
- Bhattacherjee, Anol, "Social Science Research: Principles, Methods, and Practices" (2012). Textbooks Collection . 3.[http://scholarcommons.usf.edu/o\\_a\\_textbooks/3](http://scholarcommons.usf.edu/o_a_textbooks/3)
- Bryman, A. (2016). Social Research Methods, Oxford University Press. Oxford.
- Calland, R., & Bentley, K. (2013). Comparative law and regulation: understanding the global regulatory framework.
- Commission on Administrative Justice. (2017). Access to Information.
- Commonwealth Human Rights Initiative (CHRI), (2013).  
[http://www.humanrightsinitiative.org/programs/ai/rti/articles/record\\_keeping\\_a\\_i.pdf](http://www.humanrightsinitiative.org/programs/ai/rti/articles/record_keeping_a_i.pdf) (Accessed on 4 July 2018).
- Connaway L. S. and Pwell, R. (2010), Basic Research Methods for Librarians, Fifth Edition.
- Creswell, J. (2013). Research Design: Qualitative, Quantitative and Mixed Methods approach. London: Sage.
- Darch, C., & Underwood, P. (2014). Freedom of information in the developing world: The citizen, the state and models of openness. Oxford: Chandos. Development Institute (ODI).
- Diallo, F. & Calland R. (2013). Access to information in Africa law, culture and practice. social sciences e-books online, collection 2013.
- Durrant, F. (2014). Openness access to government information and Caribbean governance.

- Franceschi, L & Lumumba P. (2014). *The Constitution of Kenya, an Introductory commentary*, Strathmore University Press.
- Gaventa, J., & McGee, R. (2013). The impact of transparency and accountability initiatives. *Development Policy Review*.
- Girvetz, H., Minogue, K., Dagger, R. & Ball, T. (2012). A Brief history of neoliberalism.
- GIZ Kenya, (2017). *Handbook on Civilian Oversight: Vigilance and Participation in a New Constitution Order*.
- Government of Kenya (2010). *Constitution of Kenya*.
- Habib, M., Pathik, B., & Maryam, H. (2014). *Research Methodology contemporary Practices: Guidelines for Academic Researchers*. Cambridge Scholars Publishing.
- Haddad, M. (2014). *Access to Information in the Middle East and North Africa Region: An overview of recent developments in Jordan, Lebanon, Morocco and Tunisia*.
- Hazell, R., Worthy, B., Glover, M. (2010). The impact of the freedom of information act central government in the UK.
- International Commission of Jurists-Kenya. (2012). *Access to information law in Kenya rationale and policy framework*.
- Johanna, A. & Gunnlaugsdottir, K. (2015). Records management and information culture: tackling the people problem.
- Johnson, B., & Christensen, L., (2011). *Educational research: Quantitative, qualitative and mixed approaches*. (4th Ed.). United States of America: Sage Publications Inc.
- Juma, L. (2013). Roles of Huduma Centers in Kenya.  
<http://www.zakenya.com/communications/roles-of-huduma-centres-in-kenya.html> (Accessed 14th July 2018).
- Kaptein, M. (2014). The servant of the people on the power of integrity in politics and government social science research network.
- Karanganwa, J. (2015). Access to information portal launched in Rwanda.
- Kasalu, S. & Ojiambo, J. B. (2012). Application of ICTs in collection development in private university libraries in Kenya, *Collection Building*, Vol. 31(1), 23-31.
- Katiba Institute. (2018). *Handbook on Access to Information Act*, 2016.
- Kenya Government. (2011). *Kenya Constitution*.
- Kingori, G. (2013). Analysis of information literacy programmes in selected Nairobi-based universities in Kenya. Nairobi: unpublished. PHD thesis, Moi university, Eldoret.

- Konrad-Adenauer-Stiftung, Uganda office. (2011). Concepts and principles of democratic governance and accountability: A guide for peer educators.
- Kosack, S. & Fung, A. (2014). Does transparency improve governance The Annual Review of Political Science.
- Kothari, C.R. (2018). Research Methodology, 3<sup>rd</sup> . Ed. New Age: New Delhi.
- Kumar, M.L. (2015). Rwanda access to information a key element of fundamental Freedoms <http://allafrica.com/stories/201605060041.html> (Accessed 2 April 2018).
- Kumar, R. (2012). Research Methodology: A Step-By-Step Guide For Beginners. London: Sage.
- Laura, L. S. & Lindita, C. (2018). Freedom of Information.
- Locke, L. (2013). Proposals That Work: A Guide for Planning Dissertations and Grant Proposals.
- Manuel, V. (2014). Understanding and Addressing Citizen's Perceptions of Corruption: The Case of Spain, International Review of Public Administration.
- Media Rights Agenda. (2011). Freedom of Information Act, 2011. An explanatory memorandum.
- Michener, G. & Values R. (2015). The Information gathering matrix: A Framework for conceptualizing the use of freedom of information laws.
- Mugenda, A. & Mugenda, O. (2013). Research Methods: Quantitative and Qualitative Approaches. Nairobi: ACTS Press.
- Murungi, M. (2012). Open access to public legal information.
- Mwakio, P. (2016). Access to Information key to development Kenyans <http://www.standardmedia.co.ke/business/article/2000159855/access-to-information-key-to-development-kenyans-told> (Retrieved on 18.2.2018).
- Ngoako, S. M. (2011). Records management in support of service delivery in the public health sector of the Limpopo province in South Africa. Master's thesis Pretoria: University of South Africa.
- Nzioka, R. (2015. Access to Information in Kenya <http://www.freedominfo.org/2015/04/access-to-information-in-kenya/> (Accessed 25 July 2018).
- Odote, C. (2015). Access to information law in Kenya rationale and policy framework: research prepared for the Kenyan Section of the International Commission of Jurists (ICJ Kenya).
- Onchan, N. E. (2011). Impact of Access to Public Legal Information in Kenya : the case study of the National Council for Law reporting.

- Organization for Economic Cooperation and Development. (2018). the Role of Ombudsman Institutions in Open Government OECD Working Paper on Public Governance No. 29.
- Orodho, R. (2012). Essentials of educational and social science research methods.
- Ossai-Ugbah (2012). Anyanwu, Akanwa and Ossai-Onah (2013) the Nigeria Freedom of Information Law: Progress, Implementation Challenges.
- Oyeronke, A. (2012). Information as an economic resource: the role of public libraries in Nigeria.
- Paine, T. (1776) Common sense.  
[\(http://hua.umf.maine.edu/Reading\\_Revolutions/Paine.html\)](http://hua.umf.maine.edu/Reading_Revolutions/Paine.html) (Extracted 17<sup>th</sup> Aug 2018).
- Saunders, M. Lewis, P. & Thornhill, A. (2012). Research methods for business students. Pearson Education Ltd., Harlow.
- South African Broadcasting Corporation. (2016). No more secrets as Kenyatta signs Access to Information Bill.  
<http://www.sabc.co.za/news/a/b2e425004e1c7db38b80afac4dc09bae/No-more-secrets-as-Kenyatta-signs-Access-to-Information-Bill-20160904> (Accessed 25 June 2018).
- The African Network of Constitutional Lawyers. (2011). Towards promoting access to information in Kenya.
- The International Federation of Library Associations. (2017). Development and access to information.
- Transparency International Kenya. (2015). Access to Information in Kenya.
- Transparency International Kenya. (2016). Access to information in Kenya.
- Walubengo, J. (2016). Here is how the Access to Information Act will work.
- Wamunyu, W. (2016). Freedom of information law a game-changer.
- Waquo, H. (2016). Good governance and integrity: Pillars for sustainable institutions.
- Warui, J. (2015). County Information Office: Access to information in Kenya.
- Yannoukakoua, A., & Arakab, I. (2014). Access to government information: Right to information and open government data synergy. Procedia: Social and behavioral sciences, 147, 332-340.
- Zikmund, W., Babin, B., Carr, J. & Griffin, M. (2012). Business Research Methods. Engaged Learning.

## **APPENDICES**

### **APPENDIX 1: INTRODUCTORY LETTER TO THE RESPONDENTS**

#### **LETTER OF INTRODUCTION**

Margaret W. Rukwaro  
Department of Library and Information Science  
University of Nairobi  
P.O. Box 30197 – 00100  
Nairobi

Dear Respondent,

#### **Re: Data Collection**

I am a student at the University of Nairobi undertaking Master's Degree in Library and Information Science. I am conducting a study *on Access to Information Act in Promoting Governance and Integrity: a Case of The Kenya National Archives and Documentation Service (KNADS) and Commission on Administrative Justice (CAJ)*. Access to information is a fundamental right recognized by International Human Rights. In Kenya, the access to information is enshrined in Article 35 of the Constitution 2010. With the passing of Access to Information Act, 2016 Mwananchi (citizen) will never have to give reasons of why they need information from public offices nor be required to know anyone, or pay a bribe to get information; on the contrary, the Public Officer is expected to explain to the Mwananchi why he cannot give certain information. It is for this reason the researcher sought to find out the level of awareness of Access to Information Act in promoting governance and integrity in public organizations.

The purpose of this questionnaire is to collect data and information from staff of The Kenya National Archives and Documentation Service and Commission on Administrative Justice. The information and views provided are entirely for academic purposes of this study and shall remain confidential.

Yours faithfully,

**Margaret Rukwaro**

## **APPENDIX 2: QUESTIONNAIRES TO THE RESPONDENTS**

### **QUESTIONNAIRE**

#### **Instructions**

Please respond by ticking (✓) against your preferred response for questions with options, tick on the square for the answer that applies. For questions that require suggestions, please use the provided space.

There are four parts in this questionnaire. Please answer the questions to the best of your knowledge. Thank you in advance for completing the questionnaire!

#### **Demographic Information**

**Gender:**  Male  Female

#### **Employees Organization:**

- The Kenya National Archives and Documentation Service (KNADS)
- Commission on Administrative Justice (CAJ)

## PART 1

### Use of Access to Information Act in Promoting Governance and Integrity in Public Organizations

(1) In the just concluded Presidential Petition, No. 1 of 2017 the Supreme Court of Kenya applied Access to Information Act, 2016 to grant the opposition access to the IEBC servers. Had you heard of this law before then?

[ ] Yes [ ] No

(2) Are you often forced to request information from government agencies/bodies?

[ ] Yes [ ] No

To what extent do you agree with the following statements about the use of Access to Information Act in promoting governance and integrity in public organizations? Tick (✓) at the appropriate box to indicate your extent of agreement using the following scale of:

5=Strongly Agree. 4=Agree. 3=Do not Know. 2=Disagree. 1= Strongly Disagree.

Statement	Extent				
	(5)	(4)	(3)	(2)	(1)
(3) It is the right of Kenyans to know how National and County governments are performing and how public resources are allocated; this is an empowering tool to fight corruption. This is because, corruption flourishes in darkness and secrecy. access to information is expected to promote transparency					

## PART 2 (A)

### Level of Awareness of Access on Information Act, 2016

To what extent do you agree with the following statements about the level of awareness on Access to Information Act, 2016? Tick (✓) at the appropriate box to indicate your extent of agreement using the following scale of: 5=Very Often. 4=Often. 3=Sometimes. 2=Rarely. 1=Never.

Statement	Extent				
	(5)	(4)	(3)	(2)	(1)
(1) Do you know if your organization makes its public information available to the members of public? If yes, please tick how often					
(2) Does your organization sometimes refuse to grant requests for information, what is the extent?					
(3) What are the possible reasons for the refusal to give information in your organization? (a) Information cannot be traced (b) The request is of confidential nature					

	c) The person who knows where information is located is not available  (d) Requestor has not given kitu kidogo (bribe)
--	--

## PART 2 (B)

### Level of Awareness of Access on Information Act, 2016

To what extent do you agree with the following statements about the level of awareness of Access to Information Act, 2016? Tick (✓) at the appropriate box to indicate your extent of agreement using the following scale of: 5=Strongly Agree. 4=Agree. 3=Do not Know. 2=Disagree. 1= Strongly Disagree.

Statement	Extent				
	(5)	(4)	(3)	(2)	(1)
(4) There is need for civic education to create awareness at the community level to make access to information Law known and understood. This will lead to increased proactive demand for information from public organizations.					
(5) Other ways you think access to information awareness can be created in Kenya					
a) Media – Radio, TV		b) Social media			
c) Theatre		d) Advocacy			
(6) On 17 November 2015, The United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a resolution (38 C/70) declaring 28th September of every year as International Day for Universal Access to Information (IDUAI). Have you ever heard about this holiday?					
[ ] Yes	[ ] No				

## PART 3

### Avenues Through Which the Government Use in Promoting Access to Information

To what extent do you agree with the following statements about the avenues through which the government uses in promoting access to information? Tick (✓) at the appropriate box to indicate your extent of agreement using the following scale of: 5=Strongly Agree. 4=Agree. 3=Do not Know. 2=Disagree. 1= Strongly Disagree.

Statement	Extent				
	(5)	(4)	(3)	(2)	(1)
(1) Huduma Kenya ( <a href="http://www.hudumakenya.go.ke/">http://www.hudumakenya.go.ke/</a> ) is a household name found in almost all the Counties and they are bridging the access to					

	information gap				
(2)	The Open Government Portal ( <a href="http://www.opendata.go.ke/">www.opendata.go.ke/</a> ) is an effort by Kenyan government for improving governance. It is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.				
(3)	The National Council of Law Reporting ( <a href="http://kenyalaw.org/">kenyalaw.org/</a> ) in addition to making law publication accessible online they have also digitized the weekly Kenya Gazette – this is a good practice for sharing information.				
(4)	The government should define the specific types of ‘national security’ information to which access is limited. This will educate the citizen on what can or cannot be disclosed				

(5) In your opinion what is the situation of present information management and storage system in your organization?.....

.....

#### PART 4

##### Value of Access to Information

To what extent do you agree with the following statements about the level of awareness of access on information act, 2016? Tick (✓) at the appropriate box to indicate your extent of agreement using the following scale of: 5=Strongly Agree. 4=Agree. 3=Do not Know. 2=Disagree. 1= Strongly Disagree.

Statement	Extent				
	(5)	(4)	(3)	(2)	(1)
(1) Access to Information Act is a powerful weapon against the culture of impunity in Kenya.					
(2) Requests of information to public organizations will make public institution accountable to the public.					
(3) Where openness and trust prevails, there is well-being and abundance, where there is no openness and trust there is a lowering of living standards and the citizens suffer.					
(4) In your opinion what are the challenges in implementing access to information law.					

	.....
(5)	What recommendations would you suggest for advancing and promoting access to information Law in Kenya.....

### **APPENDIX 3: INTERVIEW SCHEDULE**

Please tell me your name, designation and your department

- 1) Tell me about use of Access to Information Act in promoting governance and integrity in public organizations
- 2) What do you think is the level of awareness of Access to Information Law, 2016?
- 3) What do you know about International Day for Universal Access to Information (IDUAI)?
- 4) What are the avenues which the public institutions use in promoting access to information
- 5) What is the value of Access to Information
- 6) How many complaints has CAJ received regarding access to information since the Act was passed in 2016?
- 7) Are you aware of public organizations that have digitizing their records?
- 8) What are the major challenges that hinder effective implementation of access to information?
- 9) What recommendations would you give?