



# TEACHERS SERVICE COMMISSION

## ACCESS TO INFORMATION GUIDELINES

2019

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## **Definition of Terms**

**Act;** means the Access to Information Act, 2016.

**Applicant/Requester;** means a person seeking information from the Commission.

**Board;** refers to TSC Chairperson and the Commissioners

**Citizen;** means any individual who has Kenyan citizenship

**Commission Secretary;** refers to the Commission Secretary for Teachers Service Commission

**Commission;** means the Teachers Service Commission (TSC) Kenya established under Article 237 (1) of the Constitution of 2010 and the TSC ACT 2012.

**County Director;** refers to the Head of a TSC county office.

**Director;** Head of a Division at the TSC headquarters.

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

**Electronic Record;** means a record generated in digital form by an information system.

**Exempt information;** means information that may be withheld by the Commission in accordance with section 6 of the Act.

**Information;** includes all records held by the Commission regardless of the form in which it is stored, its source or the date of production.

**Information Access Committee;** refers to a Committee composed of Information Access Officers.

**Information Access Officer (IAO);** means the Commission Secretary or any other officer of the Commission as may be prescribed in these guidelines.

**Pro-active Disclosure;** making information public without someone requesting for it.

## **BACKGROUND**

### **1.0 Preamble**

The Teachers Service Commission recognizes the right of Kenyan Citizens to access information held by the Commission as provided by Article 35 of the Constitution of Kenya and Access to Information Act No 31 of 2016.

The Commission is committed to enhance service delivery by promoting transparency and accountability as envisaged by the right of access to information.

To this end, the Commission's Policy on Customer Service and Information Management has entrenched the Access to Information Act, 2016 and developed guidelines to operationalise its implementation.

### **1.1 Rationale**

The provision of access to information held by the Commission has been unstructured and relied on the Official Secrecy Act that previously provided guidance on management of information held by public institutions. The review of the Constitution and the enactment of the Access to Information Act, 2016, has changed the approach to granting of information hence the need to develop a structured way of granting access to information. It is in view of this that the Commission has institutionalized the granting of access to information by developing these guidelines.

### **1.2 Objectives**

The main objective of the guidelines is to provide a framework to guide the Commission in facilitating access to information in its custody. Then specific objective is to provide for processes for pro-active disclosure of information and provision of information upon request in accordance with the Access to Information Act, 2016.

### **1.3 Scope**

The guidelines apply to all information held by the Commission at the headquarters and field offices.

Access to Information held by the Commission shall be granted to every citizen as subject to the Access to Information Act, 2016 and any other written law.

## **2.0 DUTIES AND RESPONSIBILITIES**

In order to effectively and efficiently implement these guidelines, the following shall be the duties and responsibilities of:

### **2.1 The Board**

To provide leadership in the management of access to information within the Commission.

### **2.2 Commission Secretary**

- i. Be the Information Access Officer (IAO) of the Commission.
- ii. Implement access to information in the Commission.
- iii. Appoint Information Access Officers.
- iv. Provide resources for implementation of access to information.
- v. Delegate the performance of this duty to any officer of the Commission.

### **2.3 Directors and County Directors**

- i. Coordinate all matters relating to access of information in their service areas.
- ii. Maintain records of Access to Information requests.
- iii. Submit quarterly reports to the Commission Secretary and the Chairperson of the Information Access Committee.

## **2.4 Information Access Committee**

- i. Maintain the Access to Information Register
- ii. Coordinate all matters relating to access to information
- iii. Compile and submit quarterly reports on requests made for access to information to the Commission Secretary and the Commission on Administrative Justice (CAJ).
- iv. Advise the Commission Secretary on emerging issues with regard to access to information.
- v. Sensitize staff on access to information.

**Note:** This Committee comprises of a chairperson and Information Access Officers appointed by the Commission Secretary to represent different service areas.

## **2.5 Information Access Officer**

- i. Receive and acknowledge applications for access to information.
- ii. Guide applicants on access to information.
- iii. Conduct interviews for any clarification on the requested information.
- iv. Determine accessibility and location of documents.
- v. Keep applicants informed about the status of their applications.
- vi. Monitor inspection of records by applicant/requester.
- vii. Transfer applications to relevant bodies for access of information in line with the Act.
- viii. Maintain access to information records.
- ix. Prepare and submit quarterly reports to their respective Directors.

**Note:** This is an officer appointed by the Commission Secretary to facilitate access to information from the various service areas.

## **3.0 PRO-ACTIVE DISCLOSURE**

### **3.1 Statement on proactive disclosure**

The Commission endeavors to proactively disclose and continuously update information in compliance with the provisions of the Act. This information shall be disclosed or availed for inspection upon request at no cost.

### **3.2 Specific disclosures**

The matrix below is a presentation of the information the Commission shall proactively disclose as per the Access to Information Act 2016.

<b>S/NO</b>	<b>Broad Category</b>	<b>Specific Information</b>	<b>Sources</b>	<b>Location within the Commission</b>
1.	About the Commission	<ul style="list-style-type: none"> <li>• Mandate and functions</li> <li>• Legislative Framework</li> <li>• Administrative Structure</li> <li>• Staffing levels, Salary scales by grade</li> <li>• Contacts and physical location</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution</li> <li>• TSC Act</li> <li>• HR Manual/Career guidelines</li> <li>• Circulars</li> </ul>	<ul style="list-style-type: none"> <li>• TSC Website</li> <li>• Records office</li> <li>• Resource Centre</li> </ul>
2.	Decision making	<ul style="list-style-type: none"> <li>• Decision making procedures including channels of supervision and accountability</li> </ul>	<ul style="list-style-type: none"> <li>• TSC Act</li> <li>• TSC Strategic Plan</li> <li>• Code of Regulations for Teachers</li> <li>• Code of Conduct and</li> </ul>	<ul style="list-style-type: none"> <li>• TSC website</li> <li>• Records Office</li> <li>• Resource Centre</li> </ul>



			<p>Ethics for Teachers</p> <ul style="list-style-type: none"> <li>• Policies</li> <li>• Manuals</li> <li>• Guidelines</li> <li>• Circulars</li> <li>• Service Charter</li> </ul>	
3.	How resources are utilised	Recurrent and development budget	<ul style="list-style-type: none"> <li>• Annual Report</li> <li>• Assets Register</li> <li>• Procurement Plan</li> <li>• Financial Report</li> </ul>	<ul style="list-style-type: none"> <li>• TSC Website</li> <li>• Records Office</li> <li>• Resource Centre</li> </ul>
4.	Registers or catalogue of information	Catalogue of information held by the Commission, which can be availed for inspection	<ul style="list-style-type: none"> <li>• Information Registers</li> </ul>	<ul style="list-style-type: none"> <li>• Records Office</li> <li>• Resource Centre</li> </ul>

5.	Public Procurement Information	Public works commissioned, goods acquired or rented, services contracted, scope of service provider/contractor, time period of contract	<ul style="list-style-type: none"> <li>• Procurement contracts entered</li> </ul>	<ul style="list-style-type: none"> <li>• TSC Website</li> <li>• Records office</li> <li>• IFMIS Website</li> </ul>
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### **3.3 Method of disclosure**

The Commission commits to avail to the public information used in making policies, regulations and decisions through:

#### **3.3.1 Access on the Website**

Information will be published on the Commission's home page or accessed through search function.

#### **3.3.2 Access through inspection**

The inspection of the required documents will be facilitated through the relevant Information Access Officer.

### **4.0 REQUEST FOR INFORMATION**

The Commission commits to facilitate request on access to information in a timely manner.

An applicant/requester may request for information under the custody of the Commission that has not been proactively disclosed. All requests shall be addressed to the Commission Secretary.

#### **4.1 Mode of making a request**

Application to access information shall:

- i.** Be made in writing in English or Kiswahili.
- ii.** Be in the prescribed form (**Form 1/ Form 2**) and contain the following information;
  - name and contacts of the applicant/requester,
  - detailed and sufficient particulars of the information being sought
  - purpose of the request for such information, and

- nationality of the applicant.

**Notes**

- i) No application will be rejected for not being in the prescribed form (**Form 1/ Form 2**).
- ii) Where an applicant is unable to make a written request because of illiteracy or disability, the Information Access Officer shall reduce in writing the oral request.

#### **4.2 Procedure for processing requests**

In processing request for access to information, the Commission shall:

- i. Respond to the application in writing within 21 days of receipt indicating;
  - whether the request for information has been approved, the cost if any and method of accessing the information,
  - whether the request has been declined and the reason thereof;
  - the requester's/applicant's right to appeal the decision to the CAJ.
- ii. In matters of life or liberty, provide the information within 48 hours or not later than fifteen days where the application is complex or relates to a large volume of information.
- iii. Transfer the request if the information requested for is held by another institution. The IAO should transfer the request to the relevant institution within five (5) days of receipt of the request and inform the requester/applicant about the transfer within seven (7) days.

**Note:** If the information is not provided within the required time, it can be taken that the request was denied. In such a case, the applicant /requester may apply to the CAJ for review.

### **4.3 Mode of access**

Where the Commission accepts to provide information requested, the Commission will use the following modes to grant access;

- i. Photocopy
- ii. Email
- iii. Inspection/perusal
- iv. Any other appropriate method as may be determined by the Commission

### **5.0 CORRECTION OF PERSONAL INFORMATION**

**Personal information;** means information about an identifiable individual, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, age, physical, psychological or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- (b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the fingerprints, blood type, address, telephone or other contact details of the individual;
- (e) a person's opinion or views over another person;
- (f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further

correspondence that would reveal the contents of the original correspondence;

(g) any information given in support or in relation to an award or grant proposed to be given to another person;

(h) contact details of an individual.

The Commission commits to facilitate correction of personal information in a timely manner.

### **5.1 Requirement for correction of information**

A person may request the Commission to correct personal information which is out of date, inaccurate or incomplete.

The request for correction must be written and should;

- i. indicate that it is for change of personal information,
- ii. specify the personal information to be corrected and
- iii. provide supporting documentation.

## **6.0 DECISIONS ON REQUESTS**

In considering the request for information or correction of personal information, the Commission may make any of the following decisions:

- i. provide the requested information,
- ii. provide information in an edited manner,
- iii. defer the providing access to information,
- iv. refuse to provide the requested information,
- v. refuse to correct personal information,
- vi. transfer the request to another public or private entity,
- vii. abandon/discontinue the request on account of the applicant/requester not meeting their obligation under the Act.

## **7.0 MAINTENANCE OF RECORDS**

The Commission shall maintain an Access to Information Register in the manner prescribed by CAJ. Specifically, the Commission shall maintain records pertaining to the activities on access to information that will include: –

- pro-active disclosures of information
- provision of information upon request
- Correction of personal information and
- catalogue of records held.

## **8.0 FEES**

Information provided on request will attract charges to cover for the cost of resources used to supply the information. The cost of producing information requested for will be assessed by the Commission and borne by the requester/applicant. Payments will be paid to the Teachers Service Commission bank account.

## **9.0 REPORTING**

### **9.1 Internal Communication**

The Information Access Officer shall prepare and submit quarterly reports to their respective Directors who in turn will submit the reports to the Chairperson, Information Access Committee.

### **9.2 External Communication**

The Commission shall submit quarterly reports to the CAJ in the prescribed format.

## **10.0 LIMITATION OF RIGHT TO ACCESS TO INFORMATION**

The Commission shall provide access to information in accordance with the Act and will restrict access to information that could;

- i. Endanger the safety, health or life of a person,
- ii. Undermine the public or individual ability to give adequate consideration to a matter whose final decision has not been made,
- iii. Prejudice the public entity's commercial interest,
- iv. Undermine the national security,
- v. Interfere with the due process of law,
- vi. Invade individual privacy,
- vii. Interferes with the Commission's ability to execute its mandate, and
- viii. Infringe professional confidentiality as recognized by law or rules of a registered profession.

## **11.0 REVIEW OF THE ACCESS TO INFORMATION GUIDELINES**

These guidelines will be reviewed after three years or when need arises.



**12.0 EFFECTIVE DATE**

These guidelines will come into effect on the date it is signed by the Commission Secretary.

Signed:

Date .....12/7/19.....

*Sachau*  
.....

**DR NANCY NJERI MACHARIA, CBS**  
**COMMISSION SECRETARY/CHIEF EXECUTIVE**

**APPENDICES: FORM I  
TEACHERS SERVICE COMMISSION**



**FORM I: APPLICATION FOR ACCESS TO INFORMATION**

**1. Particulars of the Applicant/Requester**

Name:..... Gender:.....

National Identity/Passport No..... Nationality:.....

Telephone No:..... E-mail:.....

Physical Address:.....

**2. State whether the request is being made on behalf of another person. If yes, provide the particulars of that person.....**

.....

.....

(provide the authority to apply on his behalf)

**3. Particulars of the information sought (provide full particulars about the document or information you are seeking to assist in processing your request).**

Name/type of document or information:.....

Reference /File No. (if known):.....

Any other details:.....

Brief description of the contents of the document:.....

.....

Specific information sought:.....

Reason for seeking the information:.....

.....

Nature of access sought (I would like to) –

*Please choose the relevant options (s):*

- a) Inspect the document
- b) Listen to the document
- c) View the document
- d) Have a copy of the document in the following format(s):
  - Photocopy
  - Compact disk
  - USB mass drive
  - Transcript
  - Other (please specify)
- e) Other (please specify)

If a copy is required, specify the number required.....

If the document is to be posted to you, specify the mode and the address of postage.....

.....  
.....

(Please note that accessing information is free, but the production of copies of the record and transmission will attract a nominal fee).

Signature of the Requester/Applicant:.....

Date:.....

**4. For Official Use**

Date Request received:.....

Remarks.....

.....  
.....

Name and title of the officer receiving the Request:.....

Signature:.....

FORM II:

## TEACHERS SERVICE COMMISSION



### FORM II: APPLICATION FOR CORRECTION OF PERSONAL RECORD

1. Particulars of the Applicant/Requester

Name:..... Gender:.....  
National Identity/Passport No..... Nationality:.....  
Telephone No:..... E-mail:.....  
Physical Address:.....

2. State whether the request is being made on behalf of another person. If yes, provide the particulars of that person.....

.....  
.....  
(provide the authority to apply on his behalf)

3. Particulars of the document to be corrected (provide full particulars of the document you are seeking to be corrected to enable processing of your request)

Name/type of document:.....  
Reference /File No. (if known):.....  
Any other details:.....  
Brief description of the contents of the document:.....

Provide specific reasons for seeking correction:.....  
.....  
.....  
.....

The information in the above document about me is (identify one or more):

- Incomplete
- Incorrect
- Out of date
- Misleading

The correction (s) required is/are:.....  
.....  
.....

**Notes**

- i) (Provide the information that would make the document described above complete, correct, up to date or not misleading, and attach the statement, signed by you, to this application).
- ii) Attach any documents or evidence in support of the correction requested).

Signature of the Requester/Applicant:..... Date:.....

**4. For Official Use**

Date Request received:.....

Remarks.....  
.....  
.....

Name and title of the officer receiving the Request:.....

Signature:.....

