



**REPUBLIC OF KENYA**

**DATA PROTECTION BILL**

**MINISTRY OF INFORMATION & COMMUNICATIONS**

**JUNE 2009**

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**A Bill for an Act of Parliament to regulate the collection, processing, keeping, use and disclosure of certain information relating to individuals that is processed automatically**

**PART I— PRELIMINARY**

1. Short title and commencement

1. (1) This Act may be cited as the Kenya Data Protection Act, 2009.

2. Interpretation and Application

2. (1) In this Act, unless the context otherwise requires –

“**Commission**” means the Freedom of Information Commission of Kenya established under section 3 of the Freedom of Information Act;

“**Commissioner**” means a commissioner appointed under section 9 of the Freedom of Information Act;

“**the Court**” means the High Court;

“**data**” means information in a form in which it can be processed;

“**data controller**” means a person who, either alone or with others, controls the contents and use of personal information;

“**data equipment**” means equipment for processing data;

“**data material**” means any document or other material used in connection with, or produced by, data equipment;

“**data processor**” means a person who processes personal information on behalf of a data controller but does not include an employee of a data controller who processes such data in the course of his employment;

“**data subject**” means an individual who is the subject of personal information;

“**disclosure**”, in relation to personal information, includes the disclosure of information extracted from such data and the transfer of such data but does not include a disclosure made directly or indirectly by a data controller or a data processor to an employee or agent of his for the purpose of enabling the employee or agent to carry out his duties; and, where the identification of a data subject depends partly on the data and partly on other information in the possession of the data controller, the data shall not be regarded as disclosed unless the other information is also disclosed;

“**the Minister**” means the Minister for the time being responsible for Information and Communications;

**“Privacy code”** means a written code regulating acts and practices that affect data protection in no lesser manner than as provided for by the personal information protection principles in this Act.

**"prescribed"**, in the case of fees, means prescribed by regulations made by the Minister with the consent of the Minister for Finance and, in any other case, means prescribed by regulations made by the Commission with the consent of the Minister;

**"processing"** means performing automatically logical or arithmetical operations on data and includes—

- (a) extracting any information constituting the data, and
- (b) in relation to a data processor, the use by a data controller of data equipment in the possession of the data processor and any other services provided by him for a data controller, but does not include an operation performed solely for the purpose of preparing the text of documents;

**“Committee”** means the Parliamentary departmental committee responsible for legal and constitutional affairs;

**“personal information”** means information about an identifiable individual, including, but not limited to:-

- (i) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- (ii) 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;
- (iii) any identifying number, symbol or other particular assigned to the individual;
- (iv) the address, fingerprints or blood type of the individual;
- (v) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- (vi) 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;

(vii) the views or opinions of another individual about the individual; and

(viii) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual.

**“public authority”** includes-

(a) the National Assembly, including members of Parliament and staff of the National Assembly;

(b) the Judiciary;

(c) all Government ministries, departments or agencies at all levels of Government;

any body which -

(i) is established by virtue of the President's powers or by or under an Act of Parliament or an Order made under an Act of Parliament or which is established in any other way by a Minister of the government or by a government department or public authority;

(ii) receives any part of its revenues directly from money provided by Parliament or from a levy authorized by an enactment or fee or charge of any other description so authorized;

(iii) any body or authority subject to examination by the Controller and Auditor General;

(iv) a statutory corporation;

(v) a commission of inquiry

(vi) all local authorities established under the Local Government Act;

(vii) any body carrying out a statutory or public

function, provided that the body is a public authority only to the extent of its statutory or public function; or

(viii) any other body or authority designated by the Minister as a public authority for purposes of this Act.

**"Public record"** includes any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

**"public servant"** means a person employed in the public service, that is to say, any person holding or performing with authority, the duties of any of the following offices (whether as a principal or as a deputy and whether such service is permanent or temporary, paid or unpaid):-

- (i) any office the holder of which is appointed or removed by the President or by any service commission;
- (ii) any office the holder of which is appointed, elected or otherwise selected in pursuance of any written law;
- (iii) any office the holder of which is appointed by any person or persons holding or performing, with authority, the duties of an office of one of the kinds specified in paragraph (a) or (b) and without prejudice to the generality of the foregoing, includes:-
  - (iv) an arbitrator or umpire in any proceedings or matter submitted to arbitration by order or with the sanction of any court or in pursuance of any written law;
  - (v) every member of a commission of inquiry or of a commission appointed or selected in pursuance of any written law;
  - (vi) any person in the service of the disciplined forces;
  - (vii) any person in the employment of the Government or any local authority;

(viii) any person acting in a religious capacity, in respect of the exercise by him of any functions relating to marriage, birth, baptism, death or burial, but not in any other respect.

“**service commission**” means the Public Service Commission or the Judicial Service Commission;

“**Whistle blowing**” refers to confidential raising of problems or concerns within an organisation or with an independent review structure associated with that organisation.

## **PART II – PERSONAL INFORMATION PROTECTION PRINCIPLES**

### 3. Collection of Personal Information

**3.** (1) (a) A data controller shall, as respects personal information kept by him, comply with the following provisions:

(i) The information is collected for a lawful purpose connected with a function or activity of the agency; and

(ii) The collection of the information is necessary for that purpose.

(b) Where an agency collects personal information, the agency shall collect the information directly from the individual concerned.

(2) Notwithstanding the provisions of subsection (1) above an agency will not be held to have collected the information unnecessarily if it believes, on reasonable grounds,---

1. That the information is publicly available information; or

2. That the individual concerned authorised collection of the information from someone else; or

3. That non-compliance would not prejudice the interests of the individual concerned; or

4. That non-compliance is necessary---

(i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and

punishment of offences; or

(ii) For the enforcement of a law imposing a pecuniary penalty; or

(iii) For the protection of the public revenue; or

(iv) For the conduct of proceedings before any court or Commission (being proceedings that have been commenced or are reasonably in contemplation); or

5. That compliance would prejudice the purposes of the collection; or

6. That compliance is not reasonably practicable in the circumstances of the particular case; or

7. That the information---

(i) Will not be used in a form in which the individual Concerned is identified; or

(ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or

8. That the collection of the information is in accordance with an authority granted under section 8 of this Act.

4. Information to person on collection of information

**4.** (1) Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of;-

(a) The fact that the information is being collected; and

(b) The purpose for which the information is being collected; and

(c) The intended recipients of the information; and

(d) The name and address of;-

(e) The agency that is collecting the information; and

- (f) The agency that will hold the information; and
  - (g) If the collection of the information is authorised or required by or under law;-
    - (2) The particular law by or under which the collection of the information is so authorised or required; and
    - (3) Whether or not the supply of the information by that individual is voluntary or mandatory; and
  - (h) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
  - (i) The rights of access to, and correction of, personal information provided by these principles.
- (2) The steps referred to in sub-clause (1) of this principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
  - (3) An agency shall not be required to take the steps referred to in sub-clause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
  - (4) It shall not be necessary for an agency to comply with sub-clause (1) of this principle if the agency believes, on reasonable grounds;-
    - (a) That non-compliance is authorised by the individual concerned; or
    - (b) That non-compliance would not prejudice the interests of the individual concerned; or
    - (c) That non-compliance is necessary
    - (d) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection,

investigation, prosecution, and punishment of offences; or

- (e) For the enforcement of a law imposing a pecuniary penalty; or
- (f) For the protection of the public revenue; or
- (g) For the conduct of proceedings before any court or Commission (being proceedings that have been commenced or are reasonably in contemplation); or
- (h) That compliance would prejudice the purposes of the collection; or
- (i) That compliance is not reasonably practicable in the circumstances of the particular case; or
- (j) That the information-
- (k) Will not be used in a form in which the individual Concerned is identified; or
- (l) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

5. Unlawful collection of information

5. Personal information shall not be collected by an agency-

- (a) By unlawful means; or
- (b) By means that, in the circumstances of the case, intrude to an unreasonable extent upon the personal affairs of the individual concerned.

6. Protection and security of personal information

6. An agency that holds personal information shall ensure

- (a) That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against:-
- (b) Loss; and
- (c) Access, use, modification, or disclosure, except with the authority of the agency that holds the

information; and

(d) Other misuse; and

(e) That if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or unauthorised disclosure of the information.

7. Access to Information

**7.** (1) Where an agency holds personal information in such a way that it can readily be retrieved, the individual concerned shall be entitled;-

(a) To obtain from the agency confirmation of whether or not the agency holds such personal information; and

(b) To have access to that information.

(2) Where, in accordance with sub-clause (1) (b) of this principle, an individual is given access to personal information, the individual shall be advised that, under principle 7, the individual may request the correction of that information.

(3) The application of this principle is subject to the provisions of Parts II and III of the Freedom of Information Act.

8. Correction of Information

**8.** (1) Where an agency holds personal information, the individual concerned shall be entitled;-

(a) To request correction of the information; and

(b) To request that there be attached to the information a statement of the correction sought but not made.

(2) An agency that holds personal information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.

- (3) Where an agency that holds personal information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.
- (4) Where the agency has taken steps under sub-clause (2) or sub-clause of this principle, the agency shall, if reasonably practicable, inform each person or body or agency to whom the personal information has been disclosed of those steps.
- (5) Where an agency receives a request made pursuant to sub-clause (1) of this principle, the agency shall inform the individual concerned of the action taken as a result of the request.

9. Use of Information

**9.** An agency that holds personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.

10. Storage of Information

**10.** An agency that holds personal information shall not keep that information for longer than is required for the purposes for which the information may lawfully be used.

11. Misuse of Information

**11.** (1) An agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose.

12. Disclosure of Information

**12.** (1) An agency that holds personal information shall not disclose the information to a person or body or agency.

(2) Provided that an agency that holds personal information that was obtained in connection with one purpose shall not use the information for any other purpose or an agency that holds personal information shall not disclose the information to a person or body or agency, unless the agency believes, on reasonable grounds;-

- (a) That the source of the information is a publicly available publication; or
- (b) That the use of the information for that other purpose is authorised by the individual concerned; or
- (c) That non-compliance is necessary-
  - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
  - (ii) For the enforcement of a law imposing a pecuniary penalty; or
  - (iii) For the protection of the public revenue; or
  - (iv) For the conduct of proceedings before any court or Commission (being proceedings that have been commenced or are reasonably in contemplation); or
- (d) That the use of the information for that other purpose is Necessary to prevent or lessen a serious and imminent threat to;-
  - (i) Public health or public safety; or
  - (ii) The life or health of the individual concerned or another individual; or
- (e) That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or
- (f) That the information---
  - (i) Is used in a form in which the individual concerned is not identified; or
  - (ii) Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
- (g) That the use of the information is in accordance with an authority granted under section 4 of this Act.

13. Use of Unique Identifiers

**13.** (1) An agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the agency to carry out any one or more of its functions efficiently.

\*Chapter 470

(2) An agency shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless those 2 agencies are associated persons within the meaning of section \_\_\_\_\_ of the Income Tax Act

(3) An agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.

(4) An agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those

14. Interference with personal information

**14.** For the purposes of this Act, an act or practice is an interference with the personal information protection principles provisions in favour of an individual if the act or practice breaches in relation to personal information protection principles provisions information that relates to the individual;

**PART III – POWERS AND FUNCTIONS OF THE FREEDOM OF INFORMATION COMMISSION OF KENYA ON DATA PROTECTON**

15. Functions of the Commission

**15.**(1) The functions of the Commission shall be—

(a) to investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of the provisions of this Act;

(b) to inspect agencies with a view to assessing and evaluating the collection, processing, protection, use and disclosure of information to the public and making appropriate recommendations thereon;

(c) to inform and educate the public as to their rights under this Act by means of a continuing

programme of research, publication, lectures and symposia and by such other means as the Commission may deem fit;

- (d) to recommend to all agencies effective measures to promote data protection;
  - (e) to act as the chief agent of the Government in ensuring that all public authorities comply with its obligations under international treaties and conventions on data protection;
  - (f) to prescribe and approve data protection codes by all agencies;
  - (g) to prescribe damages with the approval by the Minister for breach of data protection principles by agencies;
  - (h) to perform such other functions as the Commission may consider necessary for the promotion of data protection.
- (2) The Commission shall have all the powers necessary for the performance of its functions under this Act.
- (3) The Commission may enter into association with such other bodies or organizations within and outside Kenya as the Commission may consider desirable or appropriate and in furtherance of the purpose for which the Commission is established.

**PART IV- DATA PROTECTION –  
COMPLAINTS, PROCEEDINGS AND SETTLEMENT**

16. Inquiry into complaints

- 16.(1)** Any person may make a complaint to the Commission alleging that any action is or appears to be an interference with data protection principles.
- (2) A person wishing to lodge a complaint under this Act shall do so orally or in writing addressed to the Secretary or such other person as may be duly authorised by the Commission for that purpose.
  - (3) A complaint made orally shall be put in writing as soon as practicable.
  - (4) A complaint under subsection (1) shall be in such form and contain such particulars as the Commission may, from time to time, prescribe.

- (5) The Commission may notwithstanding subsection (1) above commence an investigation on the Commission's own initiative.
- (6) Upon receipt of a complaint under subsection (1), the Commission may —
  - (a) call for information or a report regarding such complaint from the agency within such reasonable time as may be specified by the Commission:
 

Provided that -

    - (i) if the information or report is not received within the time stipulated by the Commission, the Commission may proceed to inquire into the complaint without such information or report;
    - (ii) if on receipt of the information or report the Commission is satisfied either that no further action is required or that the required action has been initiated by the agency, the Commission shall, in writing, inform the complainant accordingly and take no further action;
  - (b) without prejudice to paragraph (a), initiate such inquiry as it considers necessary, having regard to the nature of the complaint.

17.  
Commissions  
functions and  
guiding  
principles

**17. (1)** In the performance of its functions under this Act.

The functions of the Commissioner under this Part of this Act shall be;

- (a) To investigate any action that is or appears to be an interference with the privacy of an individual;
- (b) To act as conciliator in relation to any such action;
- (c) To take such further action as is contemplated by this Part of this Act.

The Commission shall in its functions-

- (a) accommodate the diversity of the Kenyan people;

- (b) observe the principle of impartiality and gender equity;
  - (c) have regard to all applicable international information management and dissemination standards; and
  - (d) ensure that public authorities provide adequate safeguards for personal information.
- (2) The Commissioner shall give such reasonable assistance as is necessary in the circumstances to enable an individual, who wishes to lodge a complaint.

### **PROCEEDINGS**

18. Proceedings on complaints

**18.** On the receipt of a complaint:

- (1) the Commission may in its discretion decide to take no action or, as the case may require, no further action, on any complaint if, in the Commission's opinion;-
  - (a) The length of time that has elapsed between the date when the subject-matter of the complaint arose and the date when the complaint was made is such that an investigation of the complaint is no longer practicable or desirable; or
  - (b) The subject-matter of the complaint is trivial; or
  - (c) The complaint is frivolous or vexatious or is not made in good faith; or
  - (d) The individual alleged to be aggrieved does not desire that action be taken or, as the case may be, continued; or
  - (e) The complainant does not have a sufficient personal interest in the subject-matter of the complaint; or
  - (f) Where;-
    - (i) The complaint relates to a matter in respect of which a code of practice issued under section 46 of this Act is in force; and

- (ii) The code of practice makes provision for complaints procedure and the complainant has failed to pursue, or to pursue fully, an avenue of redress available under that complaints procedure that it would be reasonable for the complainant to pursue; or
  - (g) There is in all the circumstances an adequate remedy, or other right of appeal other than to the commission, that it would be reasonable for the individual alleged to be aggrieved to exercise.
- (2) Notwithstanding anything in subsection (1) of this section, the Commission may in its discretion decide not to take any further action on a complaint if, in the course of the investigation of the complaint, it appears to the Commissioner that, having regard to all the circumstances of the case, any further action is unnecessary or inappropriate.
  - (3) In any case where the Commissioner decides to take no action, or no further action, on a complaint, the Commissioner shall inform the complainant of that decision and the reasons for it.

#### **SETTLEMENT OF COMPLAINTS**

19. Settlement of complaints

**19.** Where it appears from a complaint, or any written response made in relation to a complaint under section 18 of this Act, that it may be possible to secure a settlement between any of the parties concerned and, if appropriate, a satisfactory assurance against the repetition of any action that is the subject-matter of the complaint or the doing of further actions of a similar kind by the person concerned, the Commission may, without investigating the complaint or, as the case may be, investigating the complaint further, use his or her best endeavours to secure such a settlement and assurance.

#### **PART V – POWERS AND REMEDIES**

20. Powers and remedies of the Commission on the complaint

**20.** (1) If, in any proceedings under section 18 or section 19 of this Act, the Commission is satisfied on the balance of probabilities that any action of the defendant is an interference with the data protection principles, it may grant one or more of the following remedies:

- (a) A declaration that the action of the defendant is an interference with the data protection principles in relation to the individual:
- (b) An order restraining the defendant from continuing or repeating the interference, or from engaging in, or causing or permitting others to engage in, conduct of the same kind as that constituting the interference, or conduct of any similar kind specified in the order:
- (c) Damages in accordance with section 21 of this Act:
- (d) An order that the defendant perform any acts specified in the order with a view to remedying the interference, or redressing any loss or damage suffered by the aggrieved individual as a result of the interference, or both:
- (e) Such other relief as the Commission thinks fit.

(2) In any proceedings under section 18 or section 19 of this Act, the Commission may award such costs against the defendant as the Commission thinks fit, whether or not the Commission makes any other order, or may award costs against the plaintiff, or may decline to award costs against either party.

(3) It shall not be a defence to proceedings under section 18 or section 19 of this Act that the interference was unintentional or without negligence on the part of the defendant, but the Commission shall take the conduct of the defendant into account in deciding what, if any, remedy to grant.

## 21. Damages

**21.** In any proceedings under section 18 or section 19 of this Act, the Commission may award damages against the defendant for an interference with the data protection of an individual in respect of any one or more of the following:

- (a) Pecuniary loss suffered as a result of, and expenses reasonably incurred by the aggrieved individual for the purpose of, the transaction or activity out of which the interference arose:

- (b) Loss of any benefit, whether or not of a monetary kind, which the aggrieved individual might reasonably have been expected to obtain but for the interference:
- (c) Humiliation, loss of dignity, and injury to the feelings of the aggrieved individual.

## **PART V - MISCELLANEOUS PROVISIONS**

22.  
Miscellaneous  
Provisions

### **22. Protection against certain actions---**

- (1) Where any personal information is made available in good faith pursuant to principle under section 4 of this Act;
  - (a) No proceedings, civil or criminal, shall lie against the agency in respect of the making available of that information, or for any consequences that follow from the making available of that information; and
  - (b) No proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to an agency.
- (2) The making available of, or the giving of access to, any personal information in consequence of a request made under principle 6 shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the individual to whom the information is made available or the access is given.

23. Regulations

### **23. The Minister may from time to time make regulations for all or any of the following purposes:**

- (a) Providing the procedure for the service of notices and documents under this Act:
- (b) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

## **PART VI- OFFENCES**

### 24. Offences

**24.** Every person commits an offence against this Act and shall be liable on conviction to a fine not exceeding Kshs.100,000 or to imprisonment for a term not exceeding 3 months or both, who;

- (a) Without reasonable excuse, obstructs, hinders, or resists the Commissioner or any other person in the exercise of their powers under this Act:
- (b) Makes any statement or gives any information to the Commission or any other person exercising powers under this Act, knowing that the statement or information is false or misleading:
- (c) Represents directly or indirectly that he or she holds any authority under this Act when he or she does not hold that authority.

## MEMORANDUM OF OBJECTS AND REASONS

The Ministry of Information and Communications has formulated the Bill herein with a view to protecting personal information that is collected by persons and processed automatically. The Bill recognizes that data protection in relation to personal information is a corollary to expectation of privacy, a human right that is in keeping with best international practice. It also spells out the mechanisms for enhancing data protection. The Bill is borne of the realization that data protection is crucial for the promotion of e-transactions in the global digital economy where a lot of information is processed automatically.

**Part I** of the Bill contains preliminary provisions.

**Part II** contains provisions on principles of personal information protection. Clause 3 provides for collection of personal information, Clause provides for notice to persons on information collection, Clause 5 provides that information should not be collected unlawfully, Clause 6 provides that information should be protected, Clause 7 and 8 provides for access to information for correction purposes, Clause 8 provides for the parameters on use of information, Clause 10 provides for storage of information, Clause 11 provides for protection against misuse of information, Clause 12 provides for protection against disclosure of information, Clause 13 provides for protection against use and disclosure of unique identifiers and Clause 13 provides for protection against interference with the data protection principles.

**Part III** contains provisions on the functions and powers of the Freedom of information Commission on data protection.

**Part IV** contains provisions on data protection violations' complaints, It provides at Clause 17 the principles that will guide the Commission in the settlement of these complaints.

**Part V** contains powers and remedies of the Commission in relation to violation of data protection principles. It provides at Clause 21 for damages that may be awarded.

**Part VI** contains miscellaneous provisions Clause 25 provides for various offences and penalties while clause 23 empowers the Minister to make regulations for the better carrying into effect the provisions of the Bill once enacted into law.

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the .....2009

**SAMUEL POGHISIO,**  
**Minister of Information and Communications.**

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