



**THE COUNTY GOVERNMENT OF KISUMU
KISUMU COUNTY ASSEMBLY.
THIRD ASSEMBLY
(3RD SESSION)**

**MOTION ON PROACTIVE DISCLOSURE OF GOVERNMENT
INFORMATION**

THAT, Aware that Article 35 of the Constitution guarantees that every citizen has the right of access to- information held by the County Government; and that the County Government is obligated to publish and publicize any important information affecting the County.

NOTING THAT, the Constitution articulates two sets of obligations of the County Government in regard to the right of access to information. That is; the obligation of active transparency contained in Article 35(3) of the Constitution which imposes on the County Government a mandatory duty to proactively publish and publicize information affecting the County and passive transparency obligation contained in Article 3(1) which imposes an obligation on the County Government to ensure access to sources of information including information held by private persons, where such information is necessary for protection of rights.

ACKNOWLEDGING THAT, the Constitution read together with the Access to Information Act therefore establishes a duty to disclose information to citizens and general members of the public except those sets of information which are exempt from disclosure as per the law. This duty obligates the County Government to publish and publicize information as widely as possible, especially that which is of significant public interest.

FURTHER ACKNOWLEDGING THAT, in order to fulfill the duty to disclose information established in the Constitution and the Access to Information Act, the County Government must establish an infrastructure of open and transparent disclosure of information within the legal, operational and other practical considerations that are necessary to preserve the interests of the Government, as well as those of its staff, the Public and third parties with which the County Government collaborates.

DEEPLY CONCERNED THAT, the County Government is yet to fully implement sufficient proactive disclosure of information by its public officers in a publically and electronically accessible format and is still marred with unclear procedures established to guide requests by the Public and lack of resources to foster proactive disclosure of such information.

NOW THEREFORE, in order to fulfill the requirements of the Constitution and relevant laws; **I PRAY THAT THIS ASSEMBLY DO RESOLVE:**

- a) THAT the County Executive provide information relating to the County Government's functions, operations and responsibilities and the same be made available and accessed from the County Government's website <https://www.kisumu.go.ke/> within 21 days upon adoption of this motion.

- b) THAT the following information, as a matter of Right; be provided for in the County Government website with 21 days upon adoption of this Motion.

S/No	County Process	Documents that must be made available to the Public in the County Website
	Planning and Budgeting	<ul style="list-style-type: none"> - Current Integrated development plans (CIDP), Spatial plans, Sector plans, Annual development plan (ADP) - Current Budget review and outlook papers (CBROP), Fiscal strategy paper (CFSP) - Current Budget circular, budget estimates and a simplified citizen's budget - Current Supplementary Budgets
	Implementation	<ul style="list-style-type: none"> - County procurement plans - Tender documents - Tender results including final contract award - Performance Contracts - Performance Management Plans

		- County legislations and regulations.
	Monitoring and Evaluation	- Quarterly Implementation Reports - Quarterly and annual reports (financial and non-financial) - Periodic performance appraisal/evaluation
	Evaluation and Review	- Office of the Auditor General's Reports and corrective measures adopted by the county - Mid and final review of CIDP implementation - County Assembly Committee and House reports

c) THAT the County Executive through its Department responsible for matters related to access to information to formulate an access to information policy to address matters related to procedures for the consideration of the following issues affecting access to information:

- i. Disclosure of information
- ii. Access to information application process;
- iii. Processing of information requests and response timelines
- iv. Strengthening of County Government's Institutional Capacity to facilitate Access to Information.

Sign;.....

The Hon. Nereah Okombo, MCA.
Member for Manyatta 'B' Ward.

Date: 6th March, 2024.

KISUMU COUNTY.