



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 10, 2019 AT 2.30 PM**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

**a) Visiting delegation from the Fred Outa Foundation**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the Fred Outa Foundation.

Hon. Members, the visiting delegation is from Chicago, USA, and is in the Country to view the projects undertaken by the Foundation.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- 1) Joli Friedman                      -President, Fred Outa Foundation
- 2) Mayer Friedman
- 3) Reuben Friedman

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.”

**b) Visiting Members and staff of the Marsabit County Assembly**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members and staff from the Marsabit County Assembly.

I extend a warm welcome to them and on behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.”

**c) Visiting pupils and teachers from Nyagwa Secondary School, Embu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Nyagwa Secondary School in Embu County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.”

**d) Visiting pupils and teachers from Top Pride Academy, Kajiado County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Top Pride Academy in Kajiado County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you”

**4. MESSAGES**

The Speaker conveyed the following Messages from the National Assembly-

**a) Message on the passage of the Statute Laws Miscellaneous (Amendment) (No. 2) Bill (National Assembly Bills No. 13 of 2018)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage by the Assembly of the Statute Law (Miscellaneous Amendments) (No.2) (National Assembly Bill No. 13 of 2018).

*WHEREAS, the Statute Law (Miscellaneous Amendments) (No.2) (National Assembly Bill No. 13 of 2018) was published vide Kenya Gazette Supplement No. 36 of 10th April 2018 to make various amendments to statute law including, inter alia, The Betting, Lotteries & Gaming Act (Cap 131); The Dairy Industry Act (Cap 336); The National Hospital Insurance Fund Act, 1998; The Urban Areas & Cities Act, 2011; The Micro and Small Enterprise Act, 2012; The Public Private Partnerships Act, 2013; The Crops Act, 2013; The Technical and Vocational Education and Training Act, 2013; The Public Procurement and Asset Disposal Act, 2015; The National Employment Authority Act, 2016; and The Fisheries Management and Development Act, 2016.*

*AND WHEREAS, the National Assembly considered and passed the said Bill with amendments and in the form attached hereto on Thursday, May 09, 2019;*

*NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 41 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.*

Honourable Senators,

Standing Order No. 157 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 139.

I therefore direct that the Statute Law (Miscellaneous Amendments) (No.2) (National Assembly Bill No. 13 of 2018 be read a First time, tomorrow, Thursday, 11th July, 2019.

I thank you!"

**b) Message on Resolution of the National Assembly regarding the mandate of the National Assembly within the bicameral set-up of Parliament**

"Honourable Senators,

I wish to bring to the attention of the Senate that a Message has been received from the National Assembly, pursuant to Standing Order No.41 (3), regarding a resolution of the National Assembly on '*the mandate of the National Assembly within the bicameral setup of Parliament*'. Pursuant to Standing Order 41 (4), I now report the Message-

*Pursuant to the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*Whereas a Notice of Motion on the Mandate of the National Assembly within the bicameral setup of Parliament was given in the National Assembly on 26<sup>th</sup> June, 2019 seeking to, inter alia, reiterate and reaffirm the Assembly's commitment to respect, uphold and defend the Constitution in terms of Article 3 of the Constitution;*

*And whereas, the National Assembly considered the said Motion and on 4<sup>th</sup> July, 2019 resolved, under paragraph 6 (c), (amongst other resolutions), “**THAT**, in the first instance, the Houses of Parliament always explore **alternative** mechanisms of resolving any dispute that may arise between the Houses from time to time as is the practice in comparative jurisdictions;*

*Now, therefore, in accordance with the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the said resolution and implore the Senate to also consider, as a first instance, alternative mechanisms of resolving any dispute that may, from time to time, arise between the Houses of Parliament.*

Honourable Senators,

You will recall that the Senate, on 20<sup>th</sup> June, 2019, passed a motion wherein the House:-

- (a) REITERATED AND RE-AFFIRMED its commitment in terms of Article 3 of the Constitution, to respect, uphold and defend the Constitution;
- (b) FURTHER REITERATED AND RE-AFFIRMED its commitment to protect the interests of the counties and their Governments;
- (c) REITERATED AND RE-ASSURED the People of Kenya, on whose behalf it exercises its mandate under Articles 94 and 96 of the Constitution that it shall always, diligently and robustly prosecute that mandate and shall resist any actions or attempts to undermine devolution and the people’s aspirations for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law;

AND RESOLVED TO:-

- (i) challenge the laws that have been enacted unprocedurally in the 12<sup>th</sup> Parliament;
- (ii) seek an interpretation of the term “money Bill”; and
- (iii) seek a final determination of the procedure to be followed in respect of all the Bills that are pending before Parliament so as to ensure compliance with Article 110(3) of the Constitution and for the future.”

Honourable Senators,

The Senate is actively pursuing the implementation of the resolution of the House on this matter. However, in light of the Message from the National Assembly that I have just conveyed and pursuant to Standing Order 41(6)(c), I refer this Message to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

I thank you!”

5. **PAPERS**

The following Papers were laid on the Table of the Senate: -

- i) Report of the Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018).

*(Chairperson, Mediation Committee)*

- ii) Report of the Sessional Committee on County Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16.

*(Vice - Chairperson, Sessional Committee on County Public Accounts and Investments)*

- iii) Bi-annual Report for the Commission on Administrative Justice for the period June-December 2018;

- iv) Report of the Controller of Budget on the County Governments Budget Implementation Review for the First Nine Months of Financial Year 2018/19;

- v) Report of the Auditor-General on the Financial Statements of Busia County Agricultural Development Fund for the Year ended 30th June 2018;

- vi) Report of the Auditor-General on the Financial Statements of Busia County Cooperative Enterprise Development Fund for the Year ended 30th June 2018;

- vii) Report of the Auditor-General on the Financial Statements of County Assembly of Kakamega-Car Loan and Mortgage fund for the Year ended 30th June 2018; and

- viii) Report of the Auditor-General on the Financial Statements of Bungoma County Disability Empowerment Fund for the Year ended 30th June 2018.

*(The Senate Majority Leader)*

6. **NOTICE OF MOTION** – (Chairperson, Mediation Committee)

**THAT**, the Senate adopts the report of the Mediation Committee on the Land Value Index Laws Bill (National Assembly Bills No. 3 of 2018) laid on the Table of the Senate on Tuesday, 9<sup>th</sup> July, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

7. **NOTICE OF MOTION** – (Vice - Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, the Senate adopts the Report of the Senate Sessional Committee on Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16 laid on the Table of the Senate on Tuesday, 9<sup>th</sup> July, 2019.

8. **STATEMENTS PURSUANT TO STANDING ORDER 48 (1)**

- i) The Senator for Nakuru County (Sen. Susan Kihika, MP) sought a Statement from the Chairperson of the Standing Committee on Land, Environment and Natural Resources regarding the economic and social effects of the current ban on logging in the country by the Ministry of Environment and Forestry.
- ii) The Senator for Kirinyaga County (Sen. Charles Kibiru, MP) sought a Statement from the Standing Committee on Health concerning the deteriorating state of health services in public hospitals across the country due to lack of equipment and strikes by medical staff in the counties.

9. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Irrigation Bill (National Assembly Bills No. 46 of 2017) laid on the Table of the Senate on Wednesday, 3<sup>rd</sup> July, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

*(Chairperson, Mediation Committee – 04.07.19)*

Debate interrupted on Thursday, July 04, 2019 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that electronic voting be taken pursuant to Standing Order 81 (2) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed seven Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**

- 1) Sen. Mogeni Eric Ogong’o
- 2) Sen. Githiomi Paul Mwangi
- 3) Sen. Mbogo Ayacko Ochilo
- 4) Sen. Mwaruma Johnes
- 5) Sen. Madzayo Stewart
- 6) Sen. Moi Gideon
- 7) Sen. Waqo Naomi Jilo – on behalf of Marsabit County Delegation.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

- 1) Sen. Abdullahi Ali Ibrahim
- 2) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted verbally on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Khaniri George
- 8) Sen. Kihika Susan
- 9) Sen. Kilonzo Mutula
- 10) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 11) Sen. Madzayo Stewart – voted verbally
- 12) Sen. Mahamud Mohamed Maalim
- 13) Sen. Malalah Cleophas
- 14) Sen. Mbito Michael Maling’a
- 15) Sen. Mbogo Ayacko Ochilo – voted verbally
- 16) Sen. Mogeni Eric Ogong’o
- 17) Sen. Moi Gideon – voted verbally
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Murkomen Onesimus Kipchumba
- 20) Sen. Mwangi Paul Githiomi – voted verbally
- 21) Sen. Mwaruma Johnes – voted verbally
- 22) Sen. Mwinyihaji Mohamed Faki
- 23) Sen. Nderitu John Kinyua
- 24) Sen. Olekina Ledama
- 25) Sen. Orengo James
- 26) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 27) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 28) Sen. Wambua Enoch Kiio
- 29) Sen. Wario Golich Juma
- 30) Sen. Wetang’ula Moses Masika

Question agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Mediation Committee on the Irrigation Bill (National Assembly Bills No. 46 of 2017) laid on the Table of the Senate on

Wednesday, 3<sup>rd</sup> July, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

10. **THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

Order for the Second Reading read;

Motion made and Question proposed;

THAT, the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38 of 2018) be now read a Second Time;

*(Sen. Mary Seneta – 18.06.19)*

Debate interrupted on Thursday, July 09, 2019 resumed on a Division;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**

- 1) Sen. Githiomi Paul Mwangi
- 2) Sen. Moi Gideon
- 3) Sen. Cherarkey Samson
- 4) Sen. Wario Golich Juma

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson – voted verbally
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Khaniri George
- 8) Sen. Kihika Susan



- 9) Sen. Kilonzo Mutula
- 10) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 11) Sen. Madzayo Stewart
- 12) Sen. Mahamud Mohamed Maalim
- 13) Sen. Malalah Cleophas
- 14) Sen. Mbito Michael Maling’a
- 15) Sen. Mbogo Ayacko Ochilo
- 16) Sen. Mogeni Eric Ogong’o
- 17) Sen. Moi Gideon – voted verbally
- 18) Sen. Murkomen Onesimus Kipchumba
- 19) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 20) Sen. Mwangi Paul Githiomi – voted verbally
- 21) Sen. Mwaruma Johnes
- 22) Sen. Mwinyihaji Mohamed Faki
- 23) Sen. Nderitu John Kinyua
- 24) Sen. Olekina Ledama
- 25) Sen. Orengo James
- 26) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 27) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 28) Sen. Wambua Enoch Kiio
- 29) Sen. Wario Golich Juma – voted verbally
- 30) Sen. Wetang’ula Moses Masika

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

11. **COMMITTEE OF THE WHOLE**

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**The Data Protection Bill (Senate Bills No. 16 of 2018)**

Clause 3 - amendment proposed

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Application. **3.** (1) This Act shall apply to –

(a) the protection of personal data of a data subject in the processing of such data by –

(i) a data controller or data processor who is a Kenyan citizen or a legal entity established in the Republic of Kenya; and

(ii) a data controller or data processor not established in the

Republic of Kenya but processes personal data of a data subject who is a resident of the Republic of Kenya; and

(b) the processing by automated or any other means of personal data which forms or is intended to form part of a filing system.

(2) This Act shall not apply to the processing of personal data –

(a) by or on behalf of a public body responsible for matters relating to national security the purpose of which is the prevention, detection, investigation or punishment of a crime; or

(b) by a person in the course of a personal or household activity.

(3) Despite the provisions of subsection (2)(a) and except where the security of the country, the life, safety or health of a person, or property is in imminent danger, a public body that intends to process personal data without the consent of the data subject shall make an application *ex parte* to a court for orders to process such data.

*(Vice-Chairperson, Standing Committee on Information and Technology-20.06.09)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 3 (as amended)

-agreed to.

Clause 4

- amendment proposed

THAT the Bill be amended by deleting clause 4 and substituting therefor the following new clause –

- Principles of personal data protection.
- 4.** (1) The following principles shall guide the interpretation and application of this Act —
- (a) personal data shall —
    - (i) be collected, processed, stored or dealt with in any other manner if it is necessary for or directly related to a lawful, explicitly defined purpose and shall not intrude on the privacy of the data subject;
    - (ii) be collected directly from and with the consent of the data subject;
    - (iii) only be disclosed to a third party or put to a different use with the consent of the data subject;
    - (iv) not be kept for a longer period than is necessary for achieving the purpose for which it was collected;
    - (v) not be processed in a manner that is incompatible with the purpose for which it was collected; and
    - (vi) shall be accurate, up-to data and complete;
  - (b) the data subject shall be informed of the purpose to which personal data shall be put and the intended recipients of that data at the time of collection; and
  - (c) appropriate technical and organizational measures shall be taken to safeguard personal data against the risk of loss, damage, destruction of or unauthorized access to personal information.

*(Vice- Chairperson, Standing Committee on Information and Technology – 20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation

26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 4 (as amended)                        -agreed to.

Clause 5

Motion made and Question proposed;

              THAT, Clause 5 be part of the Bill.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena – on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation

4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 5 -agreed to.

Clause 6 - amendment proposed

THAT clause 6 of the Bill be amended in sub-clause (2) by deleting paragraph (a).  
*(Vice-Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua



- 25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
- 26. Sen. Olekina Ledama
- 27. Sen. Orengo James
- 28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 29. Sen. Wambua Enoch Kiio
- 30. Sen. Wario Gorich Juma
- 31. Sen. Wetang'ula Moses Masika

Clause 6 (as amended)                    -agreed to.

Clause 7    - amendment proposed

THAT clause 7 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) A data controller or data processor shall, subject to subsection (2), where it requires personal data from a person, collect such personal data directly from the data subject for a purpose which is specific, explicitly defined and lawful.

- (b) in sub-clause (2) by –

- (i) deleting the words “an agency” appearing at the beginning of the introductory clause and substituting therefor the words “a data controller or data processor”;

- (ii) deleting paragraph (a) and substituting therefor the following new paragraph –

(a) the data subject has made the data public;

- (iii) deleting paragraph (b) and substituting therefor the following new paragraph –

(b) the data subject or in the case of a child or a person who is legally incapacitated, the guardian of that child or person, has consented to the collection of personal data from another source;

- (iv) deleting paragraph (c);

- (v) by deleting the words “the interests” appearing immediately after the words “protection of” in paragraph (e)(ii) and substituting therefor the words “fundamental rights and freedoms”;

- (vi) by deleting paragraph (e)(iv);

- (vii) deleting paragraph (f) and substituting therefor the following new paragraph –

(f) if the life, safety or health of a person or property is in imminent danger.

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause –

(3) A data controller or data processor shall collect or process personal data using lawful means and in compliance with the right to privacy and this Act.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech

- 8. Sen. Khaniri George
- 9. Sen. Kihika Susan Wakarura
- 10. Sen. Kilonzo Mutula Junior
- 11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 12. Sen. Madzayo Stewart Mwachiru
- 13. Sen. Mahamud Mohamed Maalim
- 14. Sen. Malalah Cleophas Wakhungu
- 15. Sen. Mbito Michael Maling’a
- 16. Sen. Mbogo George Ochilo Ayacko
- 17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 18. Sen. Mogeni Erick Okong’o
- 19. Sen. Moi Gideon Kipsielei Towett – voted verbally
- 20. Sen. Mwangi Paul Githiomi – voted verbally
- 21. Sen. Mwaruma Johnes Mwashushe
- 22. Sen. Mwinyihaji Mohamed Faki
- 23. Sen. Nderitu John Kinyua
- 24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
- 25. Sen. Olekina Ledama
- 26. Sen. Orengo James
- 27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 28. Sen. Wambua Enoch Kiio
- 29. Sen. Wario Gorich Juma
- 30. Sen. Wetang’ula Moses Masika

Clause 7 (as amended) - agreed to.

Clause 8 - amendment proposed

THAT clause 8 of the Bill be amended by –

- (a) re-numbering the existing provision as sub-clause (1);
- (b) deleting the words “an agency” appearing at the beginning of the re-numbered sub-clause (1) and substituting therefor with the words “a data controller or data processor”;
- (c) inserting the following new sub-clause immediately after the new sub-clause (1)

–

(2) Where the data subject is in control of the means of inputting or processing his or her personal data, it shall be the responsibility of the data subject to ensure that personal data is complete, accurate, up-to-date and not misleading.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o

19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 8 (as amended)

-agreed to.

Clause 9

- amendment proposed

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause –

Rights of **9.** A data subject has a right to –  
the data  
subject.

- (a) be informed of the use to which their personal data is to be put;
- (b) access their personal data which is in the possession of a data controller or data processor;
- (c) object to the collection or processing of all or part of their personal data;
- (d) correction of false or misleading personal data;
- (e) the deletion of personal data relating to the data subject which is in possession of a data controller or data processor;
- (f) be informed of the period within which personal data is to be stored; and
- (g) data portability.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o

19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 9 (as amended) - agreed to.

Clause 10 - amendment proposed

THAT clause 10 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) A data controller or data processor shall, before collecting personal data directly from a data subject, inform the data subject in a language the data subject understands —

- (a) the fact that personal data is being collected;
- (b) the purpose for which personal data is being collected;
- (c) the intended recipient of the personal data;
- (d) the name and address of the data controller or data processor that is collecting the personal data and any other person who may access the collected personal data;
- (e) where the information is collected pursuant to any law —
  - (i) the law requiring or authorising the collection of the information;

(ii) the procedure required to be undertaken in order to comply with the law; and

(iii) whether the giving of the personal data by that data subject is voluntary or mandatory;

(f) the consequences if any, where the data subject fails to provide all or any part of the requested information; and

(g) the right of the data subject specified under section 9 of this Act.

(b) in sub-clause (2) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;

*(Vice- Chairperson, Standing Committee on Information and Technology-20.16.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0



AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 10 (as amended)            -agreed to.

Clause 11                    -amendment proposed

THAT Bill be amended by deleting clause 11 and substituting therefor the following new clause –

When not to notify. **11.** (1) A data controller or data processor shall not be required to take the steps specified under section 10 if the data controller or the data processor has, prior to collecting the personal data, taken those steps within the past twelve months when collecting the same personal

data or personal data of the same kind from that data subject.

(2) Where a data controller or data processor collects personal data under subsection (1) to be used for a different purpose from the one for which the personal data was first collected or where the circumstances of the data subject have changed, the data controller or data processor shall notify the data subject of the new use to which the personal data shall be put to.

(3) A data controller or data processor shall notify a data subject that a waiver of his or her rights under this Act shall be construed as consent and authorisation for the data controller or a data processor to collect the information.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim

3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 11 (as amended)            -agreed to.

Clause 12                    - amendment proposed

THAT the Bill be amended by deleting clause 12 and substituting therefor the following new clause –

- Lawfulness of processing personal data.    **12.** (1) A data controller or data processor shall not process personal data unless –
- (a) the data subject consents to the processing for one or more specified purposes;
  - (b) the processing is necessary –

- (i) for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject before entering into a contract;
- (ii) for compliance with any legal obligation to which the data controller or a data processor is subject;
- (iii) in order to protect the fundamental rights and freedom of the data subject or another person;
- (iv) for the performance of a task carried out in the public interest or in the exercise of official authority vested in a data controller or data processor;
- (v) for the performance of any task carried out by a public authority;
- (vi) for the protection of legitimate interests pursued by a data controller or data processor having regard to the harm and prejudice to the rights and freedoms or legitimate interests of the data subject;
- (vii) for the purpose of historical, statistical or scientific research; or
- (viii) for such other purpose as the Cabinet Secretary may prescribe.

(2) Further processing of personal data shall be in accordance with the purpose for which the personal data was collected.

*(Vice- Chairperson, Standing Committee on Information and Technology – 20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio

- 30. Sen. Wario Gorich Juma
- 31. Sen. Wetang'ula Moses Masika

Clause 12 (as amended) - agreed to.

Clause 13 - amendment proposed

THAT clause 13 of the Bill be amended by –

- (a) deleting the marginal note and substituting therefor the following new marginal note –

Automated processing.

- (b) deleting sub-clause (2) and substituting therefor the following new sub-clauses –

(2) Subsection (1) shall not apply to a data subject where the decision is –

- (a) necessary for entering into, or performing a contract between the data subject and a data controller or data processor;
- (b) authorised by a law to which a data controller or data processor is subject and which lays down suitable measures to safeguard the data subject's rights, freedoms and legitimate interests; or
- (c) based on the explicit consent of the data subject.

(3) Where a data controller or data processor intends to make a decision based on automated processing and which produces a legal effect or significantly affects the data subject, the data subject shall have the right to –

- (a) be notified in writing before a decision is taken;
- (b) be provided with an explanation of the reason for and the consequences of the decision; and
- (c) raise an objection against a decision made under this section to the data controller or data processor for the protection of the data subject's legitimate interests.

(4) The data controller or data processor shall consider the issues under subsection (3)(c) and notify the data subject of its findings and decision within seven days of receipt of the objection.

*(Vice- Chairperson, Standing Committee on Information and Technology – 20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe

23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 13 (as amended)            - agreed to.

Clause 14                                - amendment proposed

THAT clause 14 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;
- (b) in sub-clause (2) by –
  - (i) inserting the words “information on” at the beginning of paragraph (b);
  - (ii) inserting the words “information on” at the beginning of paragraph (c);
  - (iii) deleting the word “transmitted” appearing immediately after the words “is to be” in paragraph (d) and substituting therefor the word “disclosed”; and
  - (iv) deleting the words “processed data” appearing immediately after the words “deletion of” in paragraph (f) and substituting therefor the words “data which has been processed”.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;



Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 14 (as amended) - agreed to.

Clause 15 - amendment proposed

THAT clause 15 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;
- (b) in sub-clause (2) by deleting the words “an agency” appearing immediately after the words “with subsection (1)” and substituting therefor with the words “a data controller or data processor”;
- (c) by inserting the following new sub-clause immediately after sub-clause (2) –
  - (2A) In implementing the measures under subsection (2), a data controller or data processor shall take into account –
    - (a) the amount of personal data processed;
    - (b) the nature of personal data being processed;
    - (c) the extent of the processing of the personal data;
    - (d) special risks that exist in the processing of the personal data;
    - (e) the period of retention of the personal data; and
    - (f) the ease of accessibility.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.09)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 15 (as amended) - agreed to.

Clause 16 - amendment proposed

THAT clause 16 of the Bill be amended –

- (a) by re-numbering the existing clause sub-clause (1);
- (b) in the new clause (1) by –
  - (i) deleting the introductory clause and substituting therefor the following new introductory clause –
    - (1) Where there is a breach of security or there are reasonable grounds to believe that personal data has been accessed or processed contrary to this Act, a data controller or data processor shall –
  - (ii) deleting the words “as soon as reasonably practicable” appearing at the beginning of paragraph (a) and substituting therefor the words “within seventy two hours”;
- (c) by inserting the following new sub-clauses immediately after the new sub-clause (1) –
  - (2)The notification under subsection (1)(a) shall set out sufficient information to enable the data subject to take protective measures against potential consequences of the data breach, including —
    - (a) description of the nature of the breach;
    - (b) description of the likely consequences of the breach;
    - (c) description of the measures that the data controller or data processor intends to take or has taken to address the breach;
    - (d) recommendation on the measures to be taken by the data subject to mitigate the adverse effects of the breach; and
    - (e) where possible, the identity of the person who may have accessed or processed the personal data.
  - (3) A data controller or data processor may delay notification to the data subject under subsection (1)(a) for the purpose of preventing, detecting or investigating a crime by the relevant public entity.
  - (4) Where a data processor becomes aware of a personal data breach, the data processor shall notify the data controller within forty-eight hours of becoming aware of such breach.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua

25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 16 (as amended) - agreed to.

Clause 17 - amendment proposed

THAT clause 17 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) Where a data controller or data processor is in possession of personal data or where a person believes that a data controller or data processor is in possession of personal data relating to him or her, that person –

- (a) may obtain from the data controller or data processor a confirmation as to whether the agency possesses such personal data and the purposes for processing the personal data; and

- (b) shall have access to that data.

- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause –

(2) A data controller or data processor to which an application for access to personal data has been made may charge a prescribed fee for the provision of the personal data and the fee shall not exceed the actual costs of making copies of such information and if applicable, supplying them to the data subject.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.09)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James

- 28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 29. Sen. Wambua Enoch Kiio
- 30. Sen. Wario Gorich Juma
- 31. Sen. Wetang'ula Moses Masika

Clause 17 (as amended)            -agreed to.

Clause 18                    -amendment proposed

THAT clause 18 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;
- (b) in sub-clause (2) –
  - (i) by deleting the words “an agency” appearing immediately after the words “the constitution, request” and substituting therefor with the words “a data controller or data processor”;
  - (ii) inserting the words “outdated or such other personal data relating to the data subject as the data subject may request” immediately after the words “or misleading data”.
- (c) by deleting sub-clause (6);
- (d) by deleting sub-clause (7) and substituting therefor the following new sub-clause –
  - (7) Where a data controller or data processor approves a request under subsection (2), the data controller or data processor shall –
    - (a) correct or delete the data within seven days of approval of the request;
    - (b) inform the data subject of the action taken within seven days of taking the action under paragraph (a); and
    - (c) where the data had been shared with any other person, inform that other person of the action taken and require that person to correct or delete the data.
- (e) by inserting the following new sub-clause immediately after sub-clause (7) –
  - (8) A data controller or data processor shall not correct or delete personal data which is the subject of a case before a court.

*(Vice- Chairperson, Standing Committee on Information and Technology 20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;



The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe

23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 18 (as amended) - agreed to.

Clause 19 - amendment proposed

THAT clause 19 of the Bill be amended –

- (a) in sub-clause (1) by –
  - (i) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;
  - (ii) deleting paragraph (c) and substituting therefor the following new paragraph –
    - (c) the retention of the data is necessary for a lawful purpose related to the function or activity performed by the data controller or the data processor;
  - (iii) deleting the words “parties to the contract” appearing immediately after the words “contract between the” in paragraph (d) and substituting therefor the words “data subject and the data controller or the data processor”;
  - (iv) inserting the following paragraph immediately after paragraph (d) –
    - (e) the retention is for historical, statistical, journalistic literature and art or research purposes.
- (b) by deleting sub-clause (2); and
- (c) in sub-clause (3) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;
- (d) by inserting the following new sub-clause immediately after sub-clause (3) –
  - (3A) A data controller or data processor may, for purposes of subsection (3), anonymise or pseudonymise the data retained under subsection (3) in such a manner as to ensure that the data subject is no longer identifiable.

- (e) in sub-clause (4) by deleting the words “an agency” appearing at the beginning of the sub-clause and substituting therefor with the words “a data controller or data processor”;

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim

14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 19 (as amended)            - agreed to.

Clause 20                    - deletion proposed

THAT the Bill be amended by deleting clause 20.

*(Vice- Chairperson, Standing Committee on Information and Technology – 20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed five Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
3. Sen. Mogeni Erick Okong’o
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mogeni Erick Okong’o – voted verbally
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi – voted verbally
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma

Clause 20 - deleted.

Clause 21 - amendment proposed

THAT clause 21 of the Bill be amended by –

- (a) re-numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clauses immediately after the new sub-clause (1) –

(2) A data controller or data processor that uses personal data for commercial purposes shall, where possible, anonymise the data in such a manner as to ensure that the data subject is no longer identifiable.

(3) The Cabinet Secretary in consultation with the Commission may prescribe practice guidelines for commercial use of personal data in accordance with this Act.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 21 (as amended) -agreed to.

Clause 22 - amendment proposed

THAT clause 22 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “An agency” appearing at the beginning of the sub-clause and substituting therefor the words “A data controller or data processor”;

- (b) in sub-clause (2) by deleting the words “An agency” appearing at the beginning of the sub-clause and substituting therefor the words “A data controller or data processor”;

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim



14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 22 (as amended) - agreed to.

Clause 23 - deletion proposed

THAT the Bill be amended by deleting clause 23.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed five Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
3. Sen. Mogeni Erick Okong’o
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mogeni Erick Okong’o – voted verbally
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi – voted verbally
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma

Clause 24 - amendment proposed

THAT clause 24 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words “An agency” appearing at the beginning of the sub-clause and substituting therefor the words “A data controller or a data subject”;
- (b) in sub-clause (2) by –
  - (i) inserting the words “or in the case of a data subject who is a child or a person who is legally incapacitated, the guardian” immediately after the words “the data subject” in paragraph (a);
  - (ii) deleting paragraph (d) and substituting therefor the following new paragraph –
    - (d) with respect to information that has been made public by the data subject.
  - (iii) inserting the following new paragraphs immediately after paragraph (d) –
    - (e) necessary for the establishment, exercise or defence of a legal claim.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 24 (as amended) - agreed to.

Clause 25 - deletion proposed

THAT the Bill be amended by deleting clause 25.

*(Vice-Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed five Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
3. Sen. Mogeni Erick Okong’o
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mogeni Erick Okong’o – voted verbally

18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi – voted verbally
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orenge James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma

Clause 25            -deleted.

Clause 26

Motion made and Question proposed;

THAT, Clause 26 be part of the Bill.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Zani Agnes Philomena – voted verbally on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 26 - agreed to.

Clause 27 - deletion proposed

THAT the Bill be amended by deleting clause 27.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed five Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
3. Sen. Mogeni Erick Okong’o
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu



14. Sen. Mbito Michael Maling'a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mogeni Erick Okong'o – voted verbally
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi – voted verbally
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma

Clause 27 - deleted.

Clause 28 - amendment proposed

THAT clause 28 of the Bill be amended –

- (a) by deleting the words “an agency” appearing at the beginning of the introductory clause and substituting therefor the words “a data controller or data processor”; and
- (b) in paragraph (a) by deleting the words “or a social service institution” appearing immediately after the words “medical institution”.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 29 - amendment proposed

THAT clause 29 of the Bill be amended –

- (a) by re-numbering the existing clause as sub-clause (1);
- (b) in the new sub-clause (1) –
  - (i) by deleting the words “An agency” appearing at the beginning of the sub-clause and substituting therefor the words “A data controller or data processor”;
  - (ii) in paragraph (a) by deleting the words “or any other person having authority to make decisions on behalf” appearing immediately after the words “parent or guardian”;
  - (iii) by deleting paragraph (d) and substituting therefor the following new paragraph –
    - (d) in the best interest of the child.
- (c) by inserting the following new sub-clause immediately after the new sub-clause (1) –
  - (2) A data controller or data processor shall adopt appropriate measures for age verification and the giving of consent for processing of personal data.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 29 (as amended) - agreed to.

Clause 30 - deletion proposed

THAT the Bill be amended by deleting clause 30.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed five Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Zani Agnes Philomena - on behalf of Kwale County Delegation
3. Sen. Mogeni Erick Okong’o
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 29

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling’a
15. Sen. Mbogo George Ochilo Ayacko

16. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
17. Sen. Mogeni Erick Okong’o – voted verbally
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Murkomen Onesimus Kipchumba
20. Sen. Mwangi Paul Githiomi – voted verbally
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma

Clause 30            -deleted.

Clause 31            - amendment proposed

THAT clause 31 of the Bill be amended –

- (a) by re-numbering the existing clause sub-clause (1);
- (b) in the new sub-clause (1) by –
  - (i) deleting the words “An agency” appearing at the beginning of the introductory clause and substituting therefor the words “a data controller or data processor”;
  - (ii) deleting the words “third party” appearing immediately after the word “the” appearing at the beginning of paragraph (a) and substituting therefor the words “Commission is satisfied that the other country”;
  - (iii) deleting paragraph (c) and substituting therefor the following new paragraph –
    - (c) the transfer is necessary -
      - (i) for the performance or conclusion of a contract between the data subject and the data processor or data controller;
      - (ii) for the establishment, exercise or defence of a legal claim;
      - (iii) for the protection of fundamental rights and freedoms of a person; or
      - (iv) in the interest of the public.
  - (iv) by deleting paragraph (d); and

- (c) by inserting the following new sub-clause immediately after the new sub-clause (1) –
- (2) The Cabinet Secretary in consultation with the Commission shall prescribe guidelines for the transfer of personal data outside the country and the filing of reports on personal data transferred outside the country by a data controller or data processor.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.16.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31                      NOES - 0                      ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior

11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’ a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’ o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ ula Moses Masika

Clause 31 (as amended) -agreed to.

Clauses 32 to 35

Motion made and Question proposed-

THAT Clauses 32 to 35 be part of the Bill.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.



Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clauses 32 to 35 -agreed to.

Clause 36 - amendment proposed

THAT clause 36 of the Bill be amended –

(a) by deleting sub-clause (4) and substituting therefor the following new sub-clause –

(4) Despite the provisions of this Act, a person whose personal data is collected or processed contrary to this Act or who suffers loss as a result of disclosure of personal data may lodge a claim before a court for an appropriate remedy.

(b) by inserting the following new sub-clause immediately after sub-clause (4) –

(5) In determining a claim under subsection (4) a court shall consider –

- (a) the nature and the seriousness of the breach;
- (b) the categories of personal data affected;
- (c) any benefit gained or loss suffered as a result of the breach;
- (d) the number of previous violations;
- (e) the duration of time over which the breach occurred;
- (f) any action taken by the data controller or data processor to remedy or mitigate the breach; and
- (g) the nature and status of the data controller or data processor.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.16.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 37

Motion made and Question proposed-

THAT Clause 37 be part of the Bill

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally

13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 37            -agreed to.

Clause 38            - amendment proposed

THAT clause 38 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “five hundred thousand” appearing immediately after the words “not exceeding” and substituting therefor the words “one million”; and
- (b) by inserting the following new sub-clause immediately after sub-clause (1) –
  - (1A) Despite subsection (1), where the offence –
    - (a) committed relates to special personal information the person shall be liable, on conviction, to a fine not exceeding five million shillings or to a term of imprisonment not exceeding ten years; or
    - (b) is committed by a body corporate, the body corporate shall be liable, on conviction, to a fine not exceeding three million shillings or two percent of its annual turnover, whichever is higher.
- (c) by inserting the following new sub-clause immediately after sub-clause (3) –
  - (4) In addition to any penalty prescribed under this section, a Court may make orders –

- (a) for the forfeiture of any equipment or any article used or connected in any way with the commission of the offence; or
- (b) prohibiting the doing of any act to stop continuing commission of an offence.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
- 2. Sen. Moi Gideon Kipsielei Towett
- 3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31                      NOES - 0                      ABSTENTIONS - 0

AYES

- 1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
- 2. Sen. Ali Abdullahi Ibrahim
- 3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
- 4. Sen. Cherarkey Samson Kiprotich
- 5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
- 6. Sen. Kajwang’ Moses Otieno
- 7. Sen. Kamar Margaret Jepkoech
- 8. Sen. Khaniri George
- 9. Sen. Kihika Susan Wakarura
- 10. Sen. Kilonzo Mutula Junior
- 11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 12. Sen. Madzayo Stewart Mwachiru
- 13. Sen. Mahamud Mohamed Maalim

14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

Clause 38 (as amended)      -agreed to.

Clause 39

Motion made and Question proposed-

    THAT Clause 39 be part of the Bill

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika



New Clause 3A - insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 3-

**PART IIA— REGISTRATION OF DATA CONTROLLERS AND  
DATA PROCESSORS**

Registration of data controllers and data processors. **3A.** (1) Subject to subsection (2), no person shall act as a data controller or data processor unless registered with the Commission.

(2) The Commission shall prescribe the threshold required for mandatory registration of a data controller and data processor, and in making such determination, the Commission shall consider –

- (a) the nature of industry;
- (b) the volumes of data processed;
- (c) whether special personal data is being processed;
- and
- (d) any other criteria the Commission may specify.

Motion made and Question proposed-

THAT the New Clause 3A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation

4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question

-agreed to.

Motion made and Question proposed-

THAT, the new clause 3A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena – voted verbally on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

**AYES - 31**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation

12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 3A - agreed to.

New Clause 3B - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3A–

- Application for registration.      **3B.** (1) A data controller or data processor required to register under section 3A shall apply to the Commission for registration.
- (2) An application under subsection (1) shall provide the following particulars –
- (a) a description of the personal data to be processed;
  - (b) a description of the purpose for which the personal data is to be processed;
  - (c) the category of data subjects to which the personal data relates;
  - (d) contact details of the data controller or data processor;
  - (e) a general description of the risks, safeguards, security measures and mechanisms to ensure the protection of personal data; and
  - (f) any other details as may be prescribed by the Commission.
- (3) The Commission shall issue a certificate of registration where a data controller or data processor meets the requirements for registration.

- (4) A data controller or data processor shall notify the Commission of a change in any particular outlined under subsection (2).
- (5) On receipt of a notification under subsection (4), the Commission shall amend the respective entry in the register.

*(Vice- Chairperson, Standing Committee on Information and Technology)*

Motion made and Question proposed-

THAT the New Clause 3B be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

- 1. Sen. Madzayo Stewart Mwachiru
- 2. Sen. Moi Gideon Kipsielei Towett
- 3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
- 4. Sen. Mwangi Paul Githiomi
- 5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
- 6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31                      NOES - 0                      ABSTENTIONS - 0

AYES

- 1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
- 2. Sen. Ali Abdullahi Ibrahim
- 3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
- 4. Sen. Cherarkey Samson Kiprotich

5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question                    -agreed to.

Motion made and Question proposed-

THAT, the new clause 3B be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

**AYES - 31**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua

25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 3B - agreed to.

New Clause 3C - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3B–

Duration of **3C.** A registration certificate issued under section 3B shall be valid the for a period of three years and the holder may apply for the registration renewal after expiry of the certificate. certificate.

Motion made and Question proposed-

THAT the New Clause 3C be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation



4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo – on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question

-agreed to.

Motion made and Question proposed-

THAT, the new clause 3C be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally

13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiro
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 3C - agreed to.

New Clause 3D - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3C–

Register of **3D.** (1) The Commission shall keep and maintain a register of data registered data controllers and data processors.  
controllers (2) The Commission may, at the request of a data controller or  
and data data processor, remove any entry in the register which has ceased  
processors. to be applicable.  
(3) A person may request the Commission for a certified copy of any entry in the register.

Motion made and Question proposed-

THAT the New Clause 3D be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o

19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang'ula Moses Masika

Question                    -agreed to.

Motion made and Question proposed-

THAT, the new clause 3D be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

New Clause 3D - agreed to.

New Clause 3E - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3D–

Cancellation or variation of the certificate **3E.** The Commission may, on notice, vary terms and conditions of a certificate of registration or cancel the registration where—

- (a) any information given by the applicant is false or misleading; or;
- (b) the holder of the certificate of registration, without lawful excuse, fails to comply with any requirement of this Act.

Motion made and Question proposed-

THAT the New Clause 3E be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation

4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question            -agreed to.

Motion made and Question proposed-

THAT, the new clause 3E be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;



After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua

25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 3E - agreed to.

New Clause 3F - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3E–

Compliance and audit. **3F.** The Commission may carry out periodical audits of the processes and systems of the data controllers or data processors to ensure compliance with this Act.

Motion made and Question proposed-

THAT the New Clause 3F be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi

5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

**AYES - 31**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question -agreed to.

Motion made and Question proposed-

THAT, the new clause 3F be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu

15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 3F - agreed to.

New Clause 3G - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 3F–

Designation of the Data Protection Officer. **3G.** (1) A data controller or data processor may designate or appoint a data protection officer on such terms and conditions as the data controller or data processor may determine, where —

- (a) the processing is carried out by a public body or private body, except for courts acting in their judicial capacity;
- (b) the core activities of the data controller or data processor consist of processing operations which, by virtue of their nature, scope or purposes, require regular and systematic monitoring of data subjects; or
- (c) the core activities of the data controller or the data processor consist of processing of sensitive categories of personal data.

(2) A data protection officer may be a staff member of the data controller or data processor and may fulfil other tasks and duties provided that any such tasks and duties do not result in a conflict of interest.

(3) A group of entities may appoint a single data protection officer provided that such officer is accessible by each entity.

(4) Where a data controller or data processor is a public body, a single data protection officer may be designated for several such public bodies, taking into account their organisational structures.

(5) A person may be designated or appointed as a data protection officer, if that person has relevant academic or professional qualifications which may include knowledge and technical skills in matters relating to data protection.

(6) A data controller or data processor shall publish the contact details of the data protection officer and communicate them to the Commission.

(7) The responsibility of a data protection officer shall be to—

- (a) advise the data controller or data processor and their employees on data processing requirements provided under this Act or any other written law;
- (b) ensure on behalf of the data controller or data processor that this Act is complied with;
- (c) facilitate capacity building of staff involved in data processing;
- (d) provide advice on data protection impact assessment; and
- (e) Cooperate with the Commission and any other authority on matters relating to data protection.

Motion made and Question proposed-

THAT the New Clause 3G be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question -agreed to.

Motion made and Question proposed-

THAT, the new clause 3G be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena – voted verbally on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

**AYES - 31**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a



16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiro
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

New Clause 3G - agreed to.

New Clause 7A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 7 –

- Conditio ns of consent.
- 7A.** (1) A data controller or data processor shall bear the burden of proof for establishing a data subject’s consent to the processing of personal data.
- (2) A data subject may withdraw consent for collection or processing of personal data at any time.
- (3) The withdrawal of consent under sub-section (2) shall not affect the lawfulness of processing of personal data before consent was withdrawn.

Motion made and Question proposed-

THAT the New Clause 7A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane – on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo – on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki

24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question                    -agreed to.

Motion made and Question proposed-

THAT, the new clause 7A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena – voted verbally on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

New Clause 7A - agreed to.

New Clause 16A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 16 –

Data protection impact assessment.

**16A.** (1) Where processing of personal data is likely to result in high risk to the rights and freedoms of a data subject due to the nature, scope, context or purpose, a

data controller or data processor shall, prior to processing, carry out an impact assessment.

(2) The impact assessment shall include –

- (a) a systematic description of the intended personal data processing operations and the purpose for processing;
- (b) an assessment of the necessity and proportionality of personal data processing operations taking into account the purposes for processing of personal data;
- (c) an assessment of the risks to the rights and freedoms of a data subjects; and
- (d) the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this Act, taking into account the rights and legitimate interests of data subjects and other interested persons.

(2) Where an impact assessment indicate that the processing of personal data would result in high risk to the rights and freedoms of a data subject, a data controller or data processor shall consult the Commission prior to processing personal data.

(3) The Commission shall set out the guidelines for carrying out an impact assessment under this section.

Motion made and Question proposed-

THAT the New Clause 16A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation

26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question            -agreed to.

Motion made and Question proposed-

THAT, the new clause 16A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich

5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

New Clause 16A - agreed to.

New Clause 18A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 18 –

Right to **18A.** (1) A data subject has the right to receive personal data which the data subject has provided to a data controller or data processor, in a structured, commonly used and machine-readable format.

(2) A data subject has the right to transmit the data obtained under subsection (1) to another data controller or data processor.



(3) Where possible, the data subject shall have the right to have the personal data transmitted directly from a data controller or processor to another.

(4) The right under this section shall not apply to circumstances where —

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority; or

(b) it may adversely affect the rights and freedoms of another.

(5) An data controller or data processor shall comply with data portability requests, free of charge and within a period of seven days from the date of the request or as may be determined by the Commission personal data is numerous or complex.

Motion made and Question proposed-

THAT the New Clause 18A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo – on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question -agreed to.

Motion made and Question proposed-

THAT, the new clause 18A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

18. Sen. Mogeni Erick Okong'o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang'ula Moses Masika

New Clause 18A - agreed to.

New Clause 31A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 31 –

Safeguards for special personal data. **31A.** (1) A data controller or data processor shall, for the purposes of this Part, adopt appropriate measures to ensure that the data subject is not identifiable including anonymising or pseudonymising the data used for statistical or research purposes.

(2) The Cabinet Secretary in consultation with Commission may provide additional guidelines on protection of special personal data.

*(Vice- Chairperson, Standing Committee on Information and Technology)*

Motion made and Question proposed-

THAT the New Clause 31A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua

25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ula Moses Masika

Question -agreed to.

Motion made and Question proposed-

THAT, the new clause 31A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim

3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

New Clause 31A - agreed to.

New Clause 39A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 38 –

Codes guidelines and certifications.	<b>39A.</b> The Commission may –  (a) issue guidelines or codes of practice;  (b) offer data protection certification standards and data protection seals and marks in order to encourage compliance with this Act;
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- (c) require certification or adherence to a code of practice; or
- (d) develop sector specific guidelines as the Commission may determine.

Motion made and Question proposed-

THAT the New Clause 39A be now read a Second time.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed six Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Madzayo Stewart Mwachiru
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Seneta Mary Yiane –on behalf of Kajiado County Delegation
4. Sen. Mwangi Paul Githiomi
5. Sen. Nyamunga Rose Ogendo –on behalf of Kisumu County Delegation
6. Sen. Wario Gorich Juma

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech



8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’ a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted verbally on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’ o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted verbally on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma – voted verbally
31. Sen. Wetang’ ula Moses Masika

Question -agreed to.

Motion made and Question proposed-

THAT, the new clause 39A be part of the Bill;

The Committee proceeded to a Division.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Zani Agnes Philomena –on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James

- 28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 29. Sen. Wambua Enoch Kiio
- 30. Sen. Wario Gorich Juma
- 31. Sen. Wetang'ula Moses Masika

New Clause 39A - agreed to.

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended –

- (a) deleting the definition of the word “agency”;
- (b) by deleting the definition of the word “data controller” and substituting therefor the following new definition

“data controller” means a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of processing of personal data;

- (c) by deleting the definition of the word “data subject” and substituting therefor the following new definition –

“data subject” means an identified or identifiable natural person who is the subject of personal data;

- (d) by deleting the definition of the word “disclosure” and substituting therefor the following new definition –

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

- (e) by deleting the definition of the word “exempt information”;

- (f) in the definition of the word “personal data” –

- (i) by deleting the words “about a” appearing immediately after the words “means information” in the introductory phrase and substituting therefor the words “relating to an identified or identifiable natural”

- (ii) by deleting paragraph (d) and substituting therefor the following new paragraph –

- (d) the biometrics of a person;

- (iii) by deleting paragraph (g); and

- (iv) by deleting paragraph (h);

- (g) in the definition of the word “processing” by inserting the word “storage” immediately after the words “collection, organisation” in paragraph (a);
- (h) by deleting the definition of the word “special personal information” and substituting therefor the following new definition –

“special personal information” means the personal data of a child, biometric data or data revealing a natural person’s race, health status or ethnic origin.

- (i) by inserting the following new definitions in their proper alphabetical sequence –

“consent” means any manifestation of express, unequivocal, free, specific and informed indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

“data processor” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller;

“personal data breach” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data;

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “**Yes**”-

1. Sen. Halake Abshiro Soka - on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

Clause 2 (as amended)

-agreed to.

The Title

Motion made and Question proposed-

THAT the Title be part of the Bill.

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as **“Yes”**-

1. Sen. Zani Agnes Philomena – voted verbally on behalf Kwale County Delegation
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted verbally on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru – voted verbally
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko

17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orengo James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika

The Title -agreed to.

Clause 1 (Short Title) - amendment proposed

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

Short title and **1.** This Act may be cited as the Personal Data commencement. Protection Act, 2018, and shall come into operation six months from the date of assent.

*(Vice- Chairperson, Standing Committee on Information and Technology-20.06.19)*

Debate interrupted on Thursday, 20<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes verbally as “Yes”-

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Mwangi Paul Githiomi

The results of the Division were as follows: -

**AYES - 31**

**NOES - 0**

**ABSTENTIONS - 0**

**AYES**

1. Sen. Halake Abshiro Soka - voted verbally on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi – voted verbally
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
26. Sen. Olekina Ledama
27. Sen. Orenge James
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Gorich Juma
31. Sen. Wetang’ula Moses Masika



Clause 1(as amended) -agreed to.

**Progress report**

Motion made:

THAT, the Bill be reported with amendments.

*(Vice- Chairperson, Standing Committee on Information and Technology)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga) ruled that the question did not affect counties;

Question put and agreed to.

12. **HOUSE RESUMED** – Temporary Speaker (Sen. (Prof.) Margaret Kamar) – in the Chair

13. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16OF 2018)**

Bill reported with amendments;

Motion made and Question proposed;

THAT, the House do agree with the Committee of the Whole in the said report.

*(Vice- Chairperson, Standing Committee on Information and Technology)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the Data Protection Bill (Senate Bills No. 16 of 2018) be now read a third time.

*(Chairperson, Standing Committee on Information and Technology)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker (Sen. (Prof.) Margaret Kamar) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81 (5), the Temporary Speaker (Sen. (Prof.) Margaret Kamar) allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei Towett recorded his vote verbally as **“Yes”**-

The results of the Division were as follows: -

AYES - 30

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Halake Abshiro Soka - voted on behalf of Isiolo County Delegation
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena - voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
18. Sen. Mogeni Erick Okong’o
19. Sen. Moi Gideon Kipsielei Towett – voted verbally
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation

28. Sen. Wambua Enoch Kiio
29. Sen. Wario Gorich Juma
30. Sen. Wetang'ula Moses Masika

Question agreed to.

Bill read a Third Time and passed.

14. **COMMITTEE OF THE WHOLE**

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**The County Statutory Instruments Bill (Senate Bills No. 21 of 2018)**

Clauses 3 - 24, the Schedule, Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clauses 3 – 24, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 (1) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 81(5), the Acting Chairperson allowed two Senator to record their vote verbally.

Thereupon the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei Towett
2. Sen. Mwaruma Johnes Mwashushe

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim

3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County
20. Sen. Murkomen Onesimus Kipchumba
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe – voted verbally
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clauses 3- 24, the Schedule, Clause 2, the Title and Clause 1 - agreed to

Motion made:

THAT, the Bill be reported without amendments.

*(Vice – Chairperson, Sessional Committee on Delegated Legislation)*

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

15. **HOUSE RESUMED** – (The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) - in the Chair)
16. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**

Bill reported without amendments;

Motion made and Question proposed;

THAT, the House do agree with the Committee of the Whole in the said report.  
*(Vice – Chairperson, Sessional Committee on Delegated Legislation)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, The County Statutory Instruments Bill (Senate Bills No. 21 of 2018) be now read a third time.

*(Vice – Chairperson, Sessional Committee on Delegated Legislation)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen.(Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 85 (5), the Temporary Speaker allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei Towett recorded his vote as **“Yes”**-

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

**AYES**

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Ndwiga Peter Njeru
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiio
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Question agreed to.

Bill read a Third Time and passed.

17. **COMMITTEE OF THE WHOLE**

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**The National Cohesion And Peace Building Bill (Senate Bills No. 35 of 2018)**

Clauses 3 – 8

Motion made and Question proposed;

THAT, Clauses 3 – 8 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama

25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang’ula Moses Masika

Clauses 3-8 – agreed to.

Clause 9 – amendment proposed

THAT clause 9 of the Bill be amended by deleting the word “three” appearing immediately after the words “chairperson and” and substituting therefor the word “four”.

*(Sen. (Canon) Naomi Waqo – 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as “**Yes**”.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior



11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong'o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang'ula Moses Masika

Clause 9 (as amended) – agreed to.

Clause 10

Motion made and Question proposed;

THAT, Clause 10 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang'ula Moses Masika

Clause 10 - agreed to.

Clause 11 - amendment proposed

THAT, clause 11 of the Bill be amended in sub-clause (4) by deleting the words “cabinet secretary” appearing immediately after the word “the” and substituting therefor the word “President”.

*(Sen. (Canon) Naomi Waqa – 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo

30. Sen. Wario Golich Juma
31. Sen. Wetang'ula Moses Masika

Clause 11 (as amended) – agreed to.

Clauses 12 - 14

Motion made and Question proposed;

THAT, Clauses 12 - 14 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Murkomen Onesimus Kipchumba

18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang'ula Moses Masika

Clauses 12 - 14 - agreed to.

Clause 15 - amendment proposed

THAT, clause 15 of the Bill be amended in sub-clause (1) by deleting paragraph (h).

*(Sen. (Canon) Naomi Waqo – 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich

5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clause 15 (as amended) – agreed to.

Clauses 16 - 33

Motion made and Question proposed;

THAT, Clauses 16-33 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orenge James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang’ula Moses Masika

Clauses 16 - 33 – agreed to.

Clause 34 - amendment proposed

THAT, clause 34 of the Bill be amended in sub-clause (3) by inserting the following words “put measures in place to ensure that the principle of non-discrimination is adhered to” at the end of the sub-clause.

*(Sen. (Canon) Naomi Waqo – 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James



27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clause 34 (as amended) – agreed to.

Clauses 35 - 37

Motion made and Question proposed;

THAT, Clauses 35 - 37 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru

13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang'ula Moses Masika

Clauses 35 - 37 – agreed to.

Clause 38 - amendment proposed

THAT, clause 38 of the Bill be amended in sub-clause (2) by deleting the words “and without justification” appearing immediately after the words “public resources”.

*(Sen. (Canon) Naomi Waqo - 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clause 38 (as amended) – agreed to.

Clauses 39 - 43

Motion made and Question proposed;

THAT, Clauses 39 - 43 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang’ula Moses Masika

Clauses 39 - 43

- agreed to.

Clause 44

- amendment proposed

THAT, clause 44 of the Bill be amended in sub-clause (1) by deleting paragraph (c).

*(Sen. (Canon) Naomi Waqo-19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe

23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang'ula Moses Masika

Clause 44 (as amended) – agreed to.

Clause 45 - amendment proposed

THAT, the Bill be amended by deleting clause 45 and substituting therefor the following new clause –

45. A complaint to the Commission may be made by –
- (a) a person acting in their own interest;
  - (b) a person acting on behalf of another person who cannot act in their own name;
  - (c) a person acting as a member of a group or class of persons;
  - (d) a person acting in the public interest; or
  - (e) an association acting in the interest of one or more of its members.

*(Sen. (Canon) Naomi Waqo-19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe
23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clause 45 (as amended) – agreed to.

Clauses 46 - 51

Motion made and Question proposed;

THAT, Clauses 46 - 51 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mogeni Erick Okong’o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang’ula Moses Masika

Clauses 46 - 51 - agreed to.

Clause 52 - amendment proposed



THAT, clause 52 of the Bill be amended in paragraph (a) by inserting the words “Office of the” immediately after the words “matter to the”;

*(Sen. (Canon) Naomi Waqo- 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 31

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Moi Gideon Kipsielei – voted verbally
20. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
21. Sen. Mwangi Paul Githiomi
22. Sen. Mwaruma Johnes Mwashushe

23. Sen. Mwinyihaji Mohamed Faki
24. Sen. Nderitu John Kinyua
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kioo
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Clause 52 (as amended) – agreed to.

Clauses 53 - 78

Motion made and Question proposed;

THAT, Clauses 53-78 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura

10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’ a
16. Sen. Mogeni Erick Okong’ o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang’ ula Moses Masika

Clauses 53 - 78

– agreed to

The First Schedule, the Second Schedule, the Third Schedule, Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clauses First Schedule, the Second Schedule, the Third Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed one Senator to record his vote verbally;

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**.

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqa Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Khaniri George
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling'a
16. Sen. Mogeni Erick Okong'o
17. Sen. Murkomen Onesimus Kipchumba
18. Sen. Moi Gideon Kipsielei – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang'ula Moses Masika

The First Schedule, the Second Schedule, the Third Schedule, Clause 2, the Title and Clause 2 – agreed to

Motion made:

THAT, the Bill be reported with amendments.

*(Sen. (Canon) Naomi Waqa on behalf of Sen. Judith Pareno)*

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga MP) ruled that the Question did not affect counties.

Question put and Agreed to.

18. **HOUSE RESUMED** – (The Temporary Speaker (Sen. (Prof.) Margret Kamar, MP – in the Chair)
19. **THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the Senate do agree with the Committee of the Whole in the said Report.

*(Sen. (Canon) Naomi Waqo on behalf of Sen. Judith Pareno)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the National Cohesion and Peace Building Bill (Senate Bills No. 35 of 2018) be now read a third time.

*(Sen. (Canon) Naomi Waqo on behalf of Sen. Judith Pareno)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker (Sen. (Prof.) Margret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 85 (5), the Temporary Speaker allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei
2. Sen. Mahamud Mohamed Maalim

The results of the Division were as follows:-

AYES – 30

NOES – 0

ABSTENTIONS – 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
5. Sen. Kajwang' Moses Otieno
6. Sen. Khaniri George
7. Sen. Kibiru Charles
8. Sen. Kihika Susan Wakarura
9. Sen. Kilonzo Mutula Junior
10. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
11. Sen. Madzayo Stewart Mwachiru
12. Sen. Mahamud Mohamed Maalim – voted verbally
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling'a
15. Sen. Mbogo Ochilo Ayacko
16. Sen. Mogeni Erick Okong'o
17. Sen. Moi Gideon Kipsielei – voted verbally
18. Sen. Seneta Mary Yiane – voted on behalf on Kajiado County Delegation
19. Sen. Mwangi Paul Githiomi
20. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyihaji Mohamed Faki
22. Sen. Nderitu John Kinyua
23. Sen. Njeru Ndwiga
24. Sen. Olekina Ledama
25. Sen. Orengo James
26. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
27. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
28. Sen. Wambua Enoch Kioo
29. Sen. Wario Golich Juma
30. Sen. Wetang'ula Moses Masika

Question agreed to

Bill Read a Third Time and passed.

20. **COMMITTEE OF THE WHOLE**

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**The Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018)**

Clauses 3 - 15

Motion made and Question proposed;

THAT, Clauses 3 – 15 be part of the Bill;

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei
2. Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows-

AYES – 33

NOES – 0

ABSTENTION – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kamar Margaret
- 7) Sen. Kajwang’ Moses
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling’a
- 17) Sen. Mbogo Ayack Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

- 19) Sen. Mogeni Eric Ogong'o
- 20) Sen. Moi Gideon – voted verbally
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Ndwiga Njeru
- 27) Sen. Olekina Ledama
- 28) Sen. Orengo James
- 29) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 30) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 31) Sen. Wambua Enoch Kiio
- 32) Sen. Wario Golich Juma
- 33) Sen. Wetang'ula Moses Masika

Clauses 3 – 15 - agreed to

Clause 16 - deletion of clause proposed

THAT, Clause 16 of the Bill be deleted

*(Sen. Mutula Kilonzo Junior – 19.06.09)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed three Senators to record their vote verbally. Thereupon, the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei
2. Sen. Mwinyihaji Mohamed Faki
3. Sen. Wario Golich Juma

The results of the Division were as follows-

AYES – 32

NOES – 0

ABSTENTION – 0



AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kamar Margaret
- 7) Sen. Kajwang’ Moses
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling’a
- 17) Sen. Mbogo Ayacko Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Mogeni Eric Ogong’o
- 20) Sen. Moi Gideon – voted verbally
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Olekina Ledama
- 27) Sen. Orengo James
- 28) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 29) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 30) Sen. Wambua Enoch Kiio
- 31) Sen. Wario Golich Juma – voted verbally
- 32) Sen. Wetang’ula Moses Masika

Clause 16 - deleted

New Clause 13A - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 13-

Lapsing of Bills. **13A.** (1) A Bill originating from one House shall not lapse in the other House at the end of a Session.

(2) Sub-clause (1) shall not apply to a Bill that is pending before either House of Parliament, at the end of the term of that Parliament.

Motion made and Question Proposed;

THAT, the New Clause 13A be now read a Second Time

*(Sen. Mutula Kilonzo Junior – 19.06.19)*

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei
2. Sen. Mwinyihaji Mohamed Faki
3. Sen. Wario Golich Juma

The results of the Division were as follows-

AYES – 31

NOES – 0

ABSTENTION – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kamar Margaret
- 7) Sen. Kajwang’ Moses
- 8) Sen. Khaniri George
- 9) Sen. Kihika Susan
- 10) Sen. Kilonzo Mutula
- 11) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 12) Sen. Madzayo Stewart
- 13) Sen. Mahamud Mohamed Maalim
- 14) Sen. Malalah Cleophas
- 15) Sen. Mbito Michael Maling’a
- 16) Sen. Mbogo Ayacko Ochilo
- 17) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation

- 18) Sen. Mogeni Eric Ogong'o
- 19) Sen. Moi Gideon – voted verbally
- 20) Sen. Murkomen Onesimus Kipchumba
- 21) Sen. Mwangi Paul Githiomi
- 22) Sen. Mwaruma Johnes
- 23) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 24) Sen. Nderitu John Kinyua
- 25) Sen. Olekina Ledama
- 26) Sen. Orengo James
- 27) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 28) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 29) Sen. Wambua Enoch Kiiro
- 30) Sen. Wario Golich Juma – voted verbally
- 31) Sen. Wetang'ula Moses Masika

Question agreed to

Motion made and Question proposed

THAT the New Clause 13A be part of the Bill

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**-

1. Sen. Moi Gideon Kipsielei
2. Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows-

AYES = 33

NOES = 0

ABSTENTION = 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.

- 6) Sen. Kamar Margaret
- 7) Sen. Kajwang' Moses
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling'a
- 17) Sen. Mbogo Ayacko Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Mogeni Eric Ogong'o
- 20) Sen. Moi Gideon – voted verbally
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Ndwiga Njeru
- 27) Sen. Olekina Ledama
- 28) Sen. Orengo James
- 29) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 30) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 31) Sen. Wambua Enoch Kiio
- 32) Sen. Wario Golich Juma
- 33) Sen. Wetang'ula Moses Masika

New Clause 13A - agreed to

The Schedule, Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, the Schedule, Clause 2, the Title and Clause 1

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Acting Chairperson allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**-

3. Sen. Moi Gideon Kipsielei
4. Sen. Mwinyihaji Mohamed Faki

The results of the Division were as follows-

AYES – 33

NOES – 0

ABSTENTION – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kamar Margaret
- 7) Sen. Kajwang’ Moses
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling’a
- 17) Sen. Mbogo Ayacko Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Mogeni Eric Ogong’o
- 20) Sen. Moi Gideon – voted verbally
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Ndwiga Njeru
- 27) Sen. Olekina Ledama
- 28) Sen. Orengo James
- 29) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 30) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 31) Sen. Wambua Enoch Kiio
- 32) Sen. Wario Golich Juma
- 33) Sen. Wetang’ula Moses Masika

The Schedule, Clause 2, the Title and Clause 1 - agreed to

Motion made:

THAT, the Bill be reported with amendments.

*(Sen. Mutula Kilonzo Jnr, MP)*

Before the Question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

21. **HOUSE RESUMED** (The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) – in the Chair)
22. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed;

THAT the House do agree with the Committee of the Whole in the said report.

*(Sen. Mutula Kilonzo Jnr, MP)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018) be now read a Third Time.

*(Sen. Mutula Kilonzo Jnr, MP)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 81(1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**

The results of the Division were as follows-

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Khaniri George
- 8) Sen. Kibiru Charles
- 9) Sen. Kihika Susan
- 10) Sen. Kilonzo Mutula
- 11) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 12) Sen. Madzayo Stewart
- 13) Sen. Mahamud Mohamed Maalim
- 14) Sen. Malalah Cleophas
- 15) Sen. Mbito Michael Maling’a
- 16) Sen. Mbogo Ayacko Ochilo
- 17) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 18) Sen. Moi Gideon – voted verbally
- 19) Sen. Mwangi Paul Githiomi
- 20) Sen. Mwaruma Johnes
- 21) Sen. Mwinyihaji Mohamed Faki – voted verbally
- 22) Sen. Nderitu John Kinyua
- 23) Sen. Ndwiga Njeru
- 24) Sen. Olekina Ledama
- 25) Sen. Orengo James
- 26) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 27) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 28) Sen. Wambua Enoch Kiio
- 29) Sen. Wario Golich Juma
- 30) Sen. Wetang’ula Moses Masika

Question agreed to

Bill read a Third Time and passed.

23. COMMITTEE OF THE WHOLEIN THE COMMITTEE

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The County Oversight and Accountability Bill (Senate Bills No. 28 of 2018)Clauses 3 - 20

Motion made and Question proposed;

THAT, Clauses 3 – 20 be part of the Bill;

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as “**Yes**”

The results of the Division were as follows:-

AYES – 33

NOES – 0

ABSTENTIONS – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Kamar Margaret
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling’a



- 17) Sen. Mbogo Ayacko Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Moi Gideon – voted verbally
- 20) Sen. Mogeni Eric Okong’o
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Ndwiga Njeru
- 27) Sen. Olekina Ledama
- 28) Sen. Orengo James
- 29) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 30) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 31) Sen. Wambua Enoch Kiio
- 32) Sen. Wario Golich Juma
- 33) Sen. Wetang’ula Moses Masika

Clauses 3 - 20 - agreed to

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

Debate interrupted on Wednesday, 19<sup>th</sup> June, 2019 resumed on a Division;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. Rose Nyamunga, MP) directed that electronic voting be taken pursuant to Standing Order 81 and that the division bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked, the bars drawn and Senators asked to log-in for electronic voting;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**

The results of the Division were as follows:-

AYES – 33

NOES – 0

ABSTENTIONS – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson

- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Kamar Margaret
- 8) Sen. Khaniri George
- 9) Sen. Kibiru Charles
- 10) Sen. Kihika Susan
- 11) Sen. Kilonzo Mutula
- 12) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 13) Sen. Madzayo Stewart
- 14) Sen. Mahamud Mohamed Maalim
- 15) Sen. Malalah Cleophas
- 16) Sen. Mbito Michael Maling’a
- 17) Sen. Mbogo Ayacko Ochilo
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Moi Gideon – voted verbally
- 20) Sen. Mogeni Eric Okong’o
- 21) Sen. Murkomen Onesimus Kipchumba
- 22) Sen. Mwangi Paul Githiomi
- 23) Sen. Mwaruma Johnes
- 24) Sen. Mwinyihaji Mohamed Faki
- 25) Sen. Nderitu John Kinyua
- 26) Sen. Ndwiga Njeru
- 27) Sen. Olekina Ledama
- 28) Sen. Orenge James
- 29) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 30) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 31) Sen. Wambua Enoch Kiio
- 32) Sen. Wario Golich Juma
- 33) Sen. Wetang’ula Moses Masika

Clause 2, the Title and Clause 1 - agreed to

Motion made;

THAT, the Bill be reported with amendments.

*(Sen. Ledama Olekina, MP)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the question did not affect counties;

Question put and agreed to.

24. **HOUSE RESUMED** – (The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) - in the Chair)
25. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**

Bill reported without amendments;

Motion made and Question proposed;

THAT the House do agree with the Committee in the said report.

*(Sen. Ledama Olekina, MP)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, County Oversight and Accountability Bill (Senate Bills No. 28) be now read a Third Time.

*(Sen. Ledama Olekina, MP)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to Standing Order 81(5), the Temporary Speaker allowed one Senator to record his vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei recorded his vote as **“Yes”**

The results of the Division were as follows-

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

- 1) Sen. Abshiro Halake - voted on behalf of Isiolo County Delegation
- 2) Sen. Abdullahi Ali Ibrahim
- 3) Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
- 4) Sen. Cherarkey Samson
- 5) Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation.
- 6) Sen. Kajwang’ Moses
- 7) Sen. Khaniri George
- 8) Sen. Kibiru Charles

- 9) Sen. Kihika Susan
- 10) Sen. Kilonzo Mutula
- 11) Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
- 12) Sen. Madzayo Stewart
- 13) Sen. Mahamud Mohamed Maalim
- 14) Sen. Malalah Cleophas
- 15) Sen. Mbito Michael Maling'a
- 16) Sen. Mbogo Ayacko Ochilo
- 17) Sen. Mogeni Eric Okong'o
- 18) Sen. Seneta Mary Yiane – voted on behalf of Kajiado County Delegation
- 19) Sen. Moi Gideon – voted verbally
- 20) Sen. Mwangi Paul Githiomi
- 21) Sen. Mwaruma Johnes
- 22) Sen. Mwinyihaji Mohamed Faki
- 23) Sen. Nderitu John Kinyua
- 24) Sen. Ndwiga Njeru
- 25) Sen. Olekina Ledama
- 26) Sen. Orengo James
- 27) Sen. Nyamunga Rose - voted on behalf of Kisumu County Delegation
- 28) Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
- 29) Sen. Wambua Enoch Kiio
- 30) Sen. Wario Golich Juma
- 31) Sen. Wetang'ula Moses Masika

Question agreed to

Bill Read a Third Time and passed.

26. **COMMITTEE OF THE WHOLE**

**IN THE COMMITTEE**

(Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

**The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018)**

**Recommittal of New Clause 4A**

Proposed further amendment to New Clause 4A withdrawn by the mover (Sen. Haji Farhiya Ali, MP)

Motion made:

THAT, the Bill be reported with amendments.

*(Sen. (CPA) Haji Farhiya Ali, MP)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the question did not affect counties;

Question put and agreed to.

27. **HOUSE RESUMED** – (Sen. (Prof.) Margaret Kamar, MP – in the Chair)

28. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the Senate do agree with the Committee of the Whole in the said Report.

*(Sen. (CPA) Haji Farhiya Ali)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen.(Prof.) Margaret Kamar) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

THAT, the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) be now read a Third Time.

*(Sen. (CPA) Haji Farhiya Ali)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The (Sen.(Prof.) Margaret Kamar) directed that electronic voting be taken pursuant to Standing Order 81 and that the Division Bell be rung for one minute;

Upon the expiry of three minutes, the Temporary Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 85 (5), the Temporary Speaker allowed one Senator to record their vote verbally.

Thereupon, Sen. Moi Gideon Kipsielei Towett recorded his vote as **“Yes”**-

The results of the Division were as follows;

AYES = 31

NOES = 0

ABSTENTIONS = 0

AYES

1. Sen. Halake Abshiro Soka – voted on behalf of Isiolo County
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Zani Agnes Philomena – voted on behalf of Kwale County Delegation
4. Sen. Cherarkey Samson Kiprotich
5. Sen. Waqo Naomi Jilo – voted on behalf of Marsabit County Delegation
6. Sen. Kajwang’ Moses Otieno
7. Sen. Khaniri George
8. Sen. Kibiru Charles Reubenson
9. Sen. Kihika Susan Wakarura
10. Sen. Kilonzo Mutula Junior
11. Sen. Milgo Alice Chepkorir – voted on behalf of Bomet County Delegation
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Mahamud Mohamed Maalim
14. Sen. Malalah Cleophas Wakhungu
15. Sen. Mbito Michael Maling’a
16. Sen. Mbogo George Ochilo Ayacko
17. Sen. Mogeni Erick Okong’o
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Seneta Mary Yiane – voted on behalf of Kajiado County
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe
22. Sen. Mwinyihaji Mohamed Faki
23. Sen. Nderitu John Kinyua
24. Sen. Ndwiga Peter Njeru
25. Sen. Olekina Ledama
26. Sen. Orengo James
27. Sen. Nyamunga Rose Ogendo – voted on behalf of Kisumu County Delegation
28. Sen. Omanga Millicent – voted on behalf of Nairobi County Delegation
29. Sen. Wambua Enoch Kiiro
30. Sen. Wario Golich Juma
31. Sen. Wetang’ula Moses Masika

Question agreed to

Bill Read a Third Time and passed.

And the time being twenty five minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to Standing Order 31(2).

29. SENATE ROSE – at twenty five minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, July 11, 2019 at 2.30 p.m.*

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