



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, JULY 10, 2019 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**
(Chairperson, Mediation Committee)

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, 3rd 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.

(Resumption of debate interrupted on Thursday, 4th July, 2019)
(Division)

9. ***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**
(Sen. Mary Seneta, MP)

(Second Reading)
(Resumption of debate interrupted on Tuesday, 9th July, 2019)
(Division)

...../Bill

10. COMMITTEE OF THE WHOLE

****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**

(Chairperson, Standing Committee on Information and Technology)

*(Resumption of debate interrupted on Thursday, 20th June, 2019)
(Division)*

11. COMMITTEE OF THE WHOLE

****THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Resumption of debate interrupted on Wednesday, 19th June, 2019)
(Division)*

12. COMMITTEE OF THE WHOLE

***THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**

(Sen. Judith Pareno, MP)

*(Resumption of debate interrupted on Wednesday, 19th June, 2019)
(Division)*

13. COMMITTEE OF THE WHOLE

***THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**

(Sen. Mutula Kilonzo Jnr., and Sen. Sakaja Johnson, MP)

*(Resumption of debate interrupted on Wednesday, 19th June, 2019)
(Division)*

14. COMMITTEE OF THE WHOLE

***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**

(Sen. Ledama Olekina, MP)

*(Resumption of debate interrupted on Wednesday, 19th June, 2019)
(Division)*

15. COMMITTEE OF THE WHOLE

****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Resumption of debate interrupted on Wednesday, 19th June, 2019)
(Recommittal)*

16. COMMITTEE OF THE WHOLE

*****COUNTY GOVERNMENT RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

(The Senate Majority Leader)

17. **COMMITTEE OF THE WHOLE**

***THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

18. **COMMITTEE OF THE WHOLE**

***THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO 31 OF 2018)**

(Sen. (Dr.) Agnes Zani, MP)

19. **COMMITTEE OF THE WHOLE**

***THE ELECTION LAWS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 37 OF 2018)**

(Sen. (Dr.) Agnes Zani, MP)

20. **COMMITTEE OF THE WHOLE**

***THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

21. **COMMITTEE OF THE WHOLE**

***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**

(Sen. (Arch.) Sylvia Kasanga, MP)

22. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 9th July, 2019)

23. ******THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

24. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**

(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)

(Second Reading)

25. ***THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILLS NO. 6 OF 2019)**

(Sen. Petronilla Were Lokorio, MP)

(Second Reading)

26. ***THE CONTROL OF STRAY DOGS BILL (SENATE BILLS NO. 4 OF 2019)**

(Sen. Mary Seneta, MP)

(Second Reading)

27. ***THE NATIONAL MUSEUM AND HERITAGE (AMENDMENT) BILL (SENATE BILLS NO. 7 OF 2019)**

(Sen. (Dr.) Alice Milgo, MP)

(Second Reading)

28. ***THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

(Sen. (Dr.) Abdullahi Ali, MP)

(Second Reading)

29. **MOTION - STAFF RATIONALIZATION IN COUNTIES.**

(Sen. (Dr.) Agnes Zani, MP)

THAT, AWARE THAT the Senate represents the counties, and serves to protect the interests of the Counties and their governments;

FURTHER AWARE THAT, the launch of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme was launched by the Inter-Governmental Steering Committee (IGSC) on 14th July 2014 with the objective of transforming the Public Service for efficient and effective service delivery at both levels of Government;

NOTING THAT, the implementation timelines for the CARPS programme of two years specifically with regard to the capacity assessment, workload analysis and staff redeployment and transfers, are of paramount importance in the Counties as the terms of all second term County Governors come to a close in 2022;

CONCERNED THAT, County governments are still engaged in uncontrolled hiring of staff in total violation of applicable laws, exposing a glaring imbalance between money spent on recurrent expenditure, versus budgets for development projects which are the essence of devolution;

CONCERNED FURTHER THAT, contrary to Section 15(2)(b) of the Public Finance Management (PFM) Act, in counties such as Nairobi, Machakos, Garissa, Kisumu, Wajir, Baringo, Narok, Nakuru and Nyamira, staff salaries consumed in excess of 75% of total expenditure, over and above the set limit of 35% as provided in Regulation 25 (1) of the Public Finance Management (County Governments) Regulations, 2015 during the FY 2018/2019;

DEEPLY CONCERNED THAT, although Section 65 of the County Governments Act requires that more than 30% of the vacancies at entry level be given to members of ethnic groups that are not dominant in their precincts, the 2016 Ethnic and Diversity audit launched by the National Cohesion and Integration Commission revealed that 68% of Counties have hired more than 70% of their staff from one ethnic group;

NOW THEREFORE in exercise of its oversight function, the Senate resolves that the Public Service Commission (PSC), Intergovernmental Relations Technical Committee (IGTRC) and the Council of Governors provide a comprehensive report on:-

1. the progress and implementation status of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme indicating the County Governments that are compliant; and

...../Motion

- 2. the number of employees in each County Government showing the amount spent as wage bill vis a vis recurrent expenditure budgeted for FY 2018/2019. and submit these reports to the Senate within 60 days of this resolution.

(Resumption of debate interrupted on Thursday, 4th July, 2019)
(Balance of Time – 2 hours 57 minutes)

30. **MOTION - RENAMING OF MURANG’A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY.**

(Sen. Isaac Mwaura, MP)

THAT, AWARE THAT, Murang’a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang’a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a member of parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba’s contribution to our Nation, to rename Murang’a University of Technology to Kenneth Matiba University of Technology.

31. **MOTION - CREATION OF SUPPORT SERVICES FOR MEMBERS OF THE DISCIPLINED FORCES AND THEIR FAMILIES**

(Sen. George Khaniri, MP)

THAT, APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

...../Motion

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

NOTICE

The Senate resolved on 13th February, 2019 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

...../Notice of Amendments

A. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)
(Chairperson, Standing Committee on Information and Technology)

NOTICE is given that Sen. Gideon Moi, the Chairperson of the Standing Committee on Information and Technology, intends to move the following amendments to the Data Protection Bill (Senate Bills No. 16 of 2018) at the Committee Stage –

CLAUSE 3

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.

...../Amendments

CLAUSE 4

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.

CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (2) by deleting paragraph (a).

CLAUSE 7

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 –

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

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

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

(c) 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;

(d) deleting paragraph (c);

(e) 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”;

(f) by deleting paragraph (e)(iv);

(g) 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.

(h) 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.

CLAUSE 8

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.

CLAUSE 9

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

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

- (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.

CLAUSE 10

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”;

CLAUSE 11

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.

CLAUSE 12

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

Lawfulness of processing personal data.	<p>12. (1) A data controller or data processor shall not process personal data unless –</p> <ul style="list-style-type: none"> (a) the data subject consents to the processing for one or more specified purposes; (b) the processing is necessary – <ul style="list-style-type: none"> (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;
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- (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.

CLAUSE 13

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.

CLAUSE 14

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”.

CLAUSE 15

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.

CLAUSE 16

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.

CLAUSE 17

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.

CLAUSE 18

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.

CLAUSE 19

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”;

CLAUSE 20

THAT the Bill be amended by deleting clause 20.

CLAUSE 21

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.

CLAUSE 22

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”;

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 24

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.

CLAUSE 25

THAT the Bill be amended by deleting clause 25.

CLAUSE 27

THAT the Bill be amended by deleting clause 27.

CLAUSE 28

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”.

CLAUSE 29

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.

CLAUSE 30

THAT the Bill be amended by deleting clause 30.

CLAUSE 31

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.

CLAUSE 36

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.

CLAUSE 38

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.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses 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.

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).

...../Amendments

(5) On receipt of a notification under subsection (4), the Commission shall amend the respective entry in the register.

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

Register of data controllers and data processors. **3D.** (1) The Commission shall keep and maintain a register of registered data controllers and data processors.

(2) The Commission may, at the request of a data controller or data processor, remove any entry in the register which has ceased to be applicable.

(3) A person may request the Commission for a certified copy of any entry in the register.

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.

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.

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.

NEW CLAUSE 7A

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

Conditions 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.

NEW CLAUSE 16A

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.

(3) 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.

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

NEW CLAUSE 18A

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

Right to data portability. **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.

NEW CLAUSE 31A

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.

NEW CLAUSE 39A

THAT the Bill be amended by inserting the following new clause immediately after clause 39 –

Codes guidelines and certifications. **39A.** 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;

- (c) require certification or adherence to a code of practice; or
- (d) develop sector specific guidelines as the Commission may determine.

CLAUSE 2

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;

SHORT TITLE

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

Short title and commencement. **1.** This Act may be cited as the Personal Data Protection Act, 2018, and shall come into operation six months from the date of assent.

B. *THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)

(Sen. Judith Pareno, MP)

NOTICE is given that Sen. Naomi Waqo, Vice-Chairperson to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration intends to move the following amendments to the National Cohesion and Peace Building Bill, 2018, Senate Bill No. 35 of 2018, at the Committee Stage -

CLAUSE 9

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”.

CLAUSE 11

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”.

CLAUSE 15

THAT clause 15 of the Bill be amended in sub-clause (1) by deleting paragraph (h).

CLAUSE 34

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.

CLAUSE 38

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”.

CLAUSE 44

THAT clause 44 of the Bill be amended in sub-clause (1) by deleting paragraph (c).

CLAUSE 45

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.

CLAUSE 52

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”;

C. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)

(Sen. Mutula Kilonzo Jnr., and Sen. Sakaja Johnson, MP)

NOTICE is given that Sen. Mutula Kilonzo Junior, intends to move the following amendments to the Determination of the Nature of Bills (Procedure) Bill, Senate Bills No. 30 of 2018, at the Committee Stage —

CLAUSE 16

THAT the Bill be amended by deleting clause 16.

NEW CLAUSE

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.

D. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)

(Chairperson, Select Committee on Delegated Legislation)

NOTICE is given that Sen. Samson Cherarkey, Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Statutory Instruments (Amendment) Bill, 2018, at the Committee Stage-

CLAUSE 3

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

Amendment **3.** The principal Act is amended in section 15 by-
of section (a) deleting subsection (1) and substituting
15 of No. 23 therefor the following new section-
of 2013. (1) The Committee shall make a

report to the relevant House containing a resolution either that the statutory instrument that stands referred to the Committee be approved or that the statutory instrument be annulled.

(b) deleting subsection (3) and substituting therefor the following new subsection-

...../Amendments

(3) Notwithstanding subsection (2) the House may, by resolution, extend the time within which the Committee shall consider a statutory instrument under subsection (2) for a period not exceeding twenty-eight days.

NEW CLAUSES

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

Insertion of new section 15A in No. 23 of 2013. **4.** The principal Act is amended by inserting the following new section immediately after section 15-

Concurrence **15A.** (1) The Clerk of the House to on a statutory instrument is referred shall, upon-instrument.

- (a) the resolution of the relevant House under section 15(1) for the approval or annulment of a statutory instrument; or
- (b) expiry of the period specified under section 15(2),

cause the resolution of the House to be transmitted to the Clerk of the other House within two days of the resolution.

(2) A resolution under subsection (1) shall stand referred to the relevant Committee of that House which shall consider the resolution together with the statutory instrument and report to the House within fourteen days of the referral.

(3) The House to which resolution is referred to under subsection (1) may extend the time within which

...../Amendments

the Committee shall consider the resolution for a period not exceeding seven days.

- (4) If both Houses resolve to-
 - (a) approve the statutory instrument; or
 - (b) annul the statutory instrument;

the Clerk of the House to which the statutory instrument was transmitted under section 11(1) shall, within seven days of the decision, notify the regulation-making authority.

(5) Where the House resolves to revoke a statutory instrument and the other House does not, the statutory instrument shall be referred to a joint committee for mediation in accordance with Article 113 of the Constitution which shall be applied with the necessary modification.

Amendment **5.** The principal Act is amended by deleting section 18 and of section substituting therefor the following new section-
18 of No. 23
of 2013.

Annulment. **18.** (1) When Parliament passes a resolution to annul a statutory instrument the statutory instrument shall be deemed to be annulled.

(2) The regulation making authority shall publish the annulment of the statutory instrument within fourteen days of the annulment.

E.*THE COUNTY GOVERNMENT RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

(The Senate Majority Leader)

NOTICE is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the County Governments’ Retirement Scheme Bill, National Assembly Bills No. 10 of 2018, at the Committee Stage—

CLAUSE 16

THAT clause 16 of the Bill be amended by deleting the words “remuneration or” appearing immediately after the words “paid such” and substituting therefor the word “sitting allowance”.

CLAUSE 21

THAT clause 21 of the Bill be amended in paragraph (d) by deleting the words “provide regular information” appearing immediately before the words “on investment strategy” and substituting the words “submit reports on a quarterly basis”.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately paragraph (f)-

(fa) submit to the Board a report on a quarterly basis, of the reconciliations with respect to the funds held by the Custodian;

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (2) by-

- (a) inserting the words “at least on a quarterly basis” immediately after the words “including access” in paragraph (d);
- (b) inserting the following new paragraph immediately after paragraph (d)-

(da) keep and maintain proper books of accounts of the scheme;

CLAUSE 24

THAT clause 24 of the Bill be amended -

- (a) in subclause (1) by inserting the word “member” immediately after the words “long as the”;
- (b) in subclause (2) by inserting the words “not less than” immediately after the words “contribute to the scheme”.
- (c) in subclause (5) by deleting the words “on each occasion” appearing immediately after the words “salary of the contributor” and substituting therefor the words “in each month”.

...../Amendments

CLAUSE 36

THAT clause 36 of the Bill be amended in paragraph (a) by deleting the words “except where a member works on a contractual basis for the sponsor after their resignation or early retirement” appearing immediately after the words “a sponsor”.

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause-

- (1) The scheme shall be reviewed by an actuary appointed by the Board as provided for in the Retirement Benefits Act.

CLAUSE 46

THAT clause 46 of the Bill be amended in the introductory phrase in subclause (2) by inserting the word “actuary” immediately after the words “fund Manager”.

CLAUSE 48

THAT clause 48 of the Bill be amended by inserting the following new subclause immediately after subclause (2)-

- (3) A person who is convicted of an offence under subsection (1) (c) shall, in addition to any fine that may be imposed, refund to the scheme three times the value of any loss that may be incurred by the scheme by reason of the commission of the offence.

APPENDIX

1. MESSAGE

Message from the National Assembly on the passage of the Statute Law Miscellaneous (Amendment) (No. 2) Bill (National Assembly Bills No. 13 of 2018).

(The Speaker of the Senate)

2. PAPERS

- (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 Senate 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.

(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)

3. NOTICES OF MOTION

- (i) **ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

(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

...../Appendix

the Senate on Wednesday, 10th 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.

(ii) **ADOPTION OF THE REPORT OF THE SENATE 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**

(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 Wednesday, 10th July, 2019.

(iii) **FREE ADMINISTRATION OF THE SNAKE BITES ANTI-VENOM IN PUBLIC HEALTH FACILITIES**

(Sen. Beatrice Kwamboka, MP)

THAT, AWARE THAT, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

FURTHER AWARE THAT, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

CONCERNED THAT, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

FURTHER CONCERNED THAT, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snake bites including the high cost of acquiring and storing the anti-venom;

RECOGNIZING THAT, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snake bite;

NOTING THAT, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

4. **STATEMENTS**

(i) Pursuant to Standing Order 47(1)

Senator for Nakuru County (Sen. Susan Kihika, MP) to make a statement on the economic and social effect of the current ban on logging in the country by the Ministry of Environment and Forestry.

(ii) Pursuant to Standing Order 48(1)

- a) The Senator for Kirinyaga County (Sen. Charles Kibiru, MP) to seek a statement from the Standing Committee on Health concerning deteriorating state of health services in public hospitals across the country due to lack of equipment and strikes by medical staff in the counties; and
- b) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee National Security, Defence and Foreign Relations on issuance of certificates of good conduct to ex-prisoners.

(iii) Pursuant to Standing Order 51(1)(a)

The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the petition on the lack of support for issuance of death certificates and facilitation of counselling by the Ministry of Foreign Affairs, to the families of the victims of the Ethiopian Air Crash.

(iv) Pursuant to Standing Order 51(1)(b)

- a) The Chairperson, Standing Committee on Information and Technology to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to issue a statement relating to the activities of the Committee;
- c) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement relating to the activities of the Committee;
- d) The Chairperson, Standing Committee on Land, Environment and Natural Resources to issue a statement relating to the activities of the Committee;
- e) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement relating to the activities of the Committee; and
- f) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to issue a statement relating to the activities of the Committee.
