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8/6/2022

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY	
P.	
DATE: 09 JUN 2022	Day: Thursday
TABLED BY:	Hon. Mark Nyamira
CLERK AT THE TABLE:	G. Chebet

TWELFTH PARLIAMENT – SIXTH SESSION – 2022
DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND INNOVATION

DIRECTORATE OF DEPARTMENTAL COMMITTEES

EXIT REPORT OF THE DEPARTMENTAL COMMITTEE ON COMMUNICATION,
INFORMATION AND INNOVATION (NOVEMBER 2017 TO JUNE 2022)

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2022

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CHAIRPERSON'S FOREWORD

Standing Order 200A (1) and (2) of the National Assembly Standing Orders provides that *“(1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability; and (2) The report shall be available to the succeeding committee which may consider it in preparing its work plan”*.

The Committee's Exit Report is an important tool of gauging performance of the Committee in the Twelfth Parliament. It gives details of the business executed by the Committee from November 2017 to June 2022 and offers a starting point for the succeeding Committee as it highlights the business pending before the Committee at the end of the 12th Parliament.

The following business was referred to the Departmental Committee on Communication, Information and Innovation in the Twelfth Parliament: Fourteen (14) Bills; Five (5) Legislative Proposals; Four (4) Petitions; two (2) inquiries; One (1) Statement, fifteen (15) Questions; one (1) vetting; and one (1) Treaty. The Committee was able to execute most of the work referred to it despite the COVID-19 Pandemic which made it difficult to hold in-person meetings, among other challenges..

Through enactment of proposed amendments to the Copyright Act introduced new sharing formula in respect of revenues collected from ring back tunes. The legislative intervention ensured that the artists get at least 52 per cent of the daily revenue generated from ring-back tunes while other players such as the telecommunication company, Kenya Revenue Authority and Premium Rate Service Providers, among others, share the remaining revenue. One of the pending businesses before the Committee is the inquiry into the gaming and betting activities in the broadcast media. The Committee had not conclusively handled the matter by the time of the sine die of the 12th Parliament.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Communication, Information and Innovation and pursuant to provisions of Standing Order 200A (1), to present to this House the Exit Report of the Committee.

Hon. Jane Njiru, MP

Chairperson, Departmental Committee on Communication, Information and Innovation

ACKNOWLEDGEMENT

The Committee is highly indebted to the Speaker of the National Assembly, The Hon. Justin B. N. Muturi, EGH, MP for providing guidance on committee activities, reports and recommendations which has made it possible for the Committee to discharge its mandate.

Special gratitude goes to Members of the Committee who made a lot of sacrifices to ensure that the Committee was able to discharge its mandate. This Report would not have been written without the input made by the Committee Members.

The Committee is also grateful to the Clerk of the National Assembly, Mr. Michael Sialai, CBS for ensuring that the Committee has the requisite professional staff and is adequately facilitated to undertake its legislative mandate in respect of the 12th Parliament.

The Committee further extends its gratitude to stakeholders and the public whose views and input guided the Committee during consideration of various business before it.

I would also like to thank the Director Departmental Committees, Mr. Peter Chemweno; Deputy Director Departmental Committees, Mr. John Mutega; and, Head of Department for Productive, Infrastructure, Trade & Agriculture sector Committees, Mr. Daniel Mutunga for their administrative guidance and support they provided to the Committee during the period under review.

Finally, I acknowledge the Committee secretariat comprising of Ms. Hellen Kina, Clerk Assistant I; Ms. Ella Kendi, Clerk Assistant II; Mr. Salem Lorot, Legal Counsel I; Mr. Thomas Ogwel, Fiscal Analyst I; Ms. Winnie Kulei, Research Officer II; Mr. Benson Muthuri, Sergeant at arms; Mr. Albert Atunga, Sergeant -At-Arms; Mr. James Macharia, Media Relations Officer and Mr. Nimrod Ochieng, Audio Officer.

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Communication, Information and Innovation is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. To study and review all the legislation referred to it;*
 - iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
 - vii. To examine treaties, agreements and conventions;*
 - viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - x. To examine any questions raised by Members on a matter within its mandate.*
2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), information communications Technology (ICT), development and advancement of technology and modernization of production strategies.
3. In executing its mandate, the Committee oversees the Ministry of ICT, Innovation and Youth Affairs with two State Departments namely; State Department for ICT and Innovation and the State Department for Broadcasting and Telecommunications as well as the various departments and agencies under the Ministry.

1.2 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Communication, Information and Innovation was constituted by the House in November, 2017 and reconstituted further in July, 2020 and comprises of the following Members:

Chairperson

Hon. Jane Wanjuki Njiru, MP
Embu County

Jubilee Party

Vice-Chairperson

Hon. (Eng.) Mark Nyamita Ogola, MP
Uriri Constituency

Orange Democratic Party

Hon. George Theuri, MP
Embakasi West Constituency

Jubilee Party

Hon. Gertrude Mbeyu, MP
Kilifi County

Orange Democratic Party

Hon. Alfah O. Miruka, MP
BomachogeChache Constituency

Kenya National Congress

Hon. Anthony Kiai, MP
Mukurweini Constituency

Jubilee Party

Hon. Annie Wanjiku Kibeh, MP
Gatundu North Constituency

Jubilee Party

Hon. (Eng.) Mark Nyamita Ogola, MP
Uriri Constituency

Orange Democratic Party

Hon. Joshua Kimilu, Kivinda, MP
Kaiti Constituency

Wiper Democratic Party

Hon. Victor Munyaka, MP
Machakos Town Constituency

Jubilee Party

Hon. Marwa Kitayama Maisori, MP
Kuria East Constituency

Jubilee Party

Hon. Erastus Nzioka Kivasu, M.P.
Mbooni

New Democrats Party

Hon. Mwambu Mabongah, MP
Bumula Constituency

Independent

Hon. Innocent Momanyi Obiri, MP
Bobasi Constituency

People's Democratic Party

Hon. Maritim Sylvanus, MP
Ainamoi Constituency

Jubilee Party

Hon. Godfrey Osotsi Atieno, MP
Nominated

African National Congress

Hon. Mwangaza Kawira, MP
Meru County

Independent

Hon. Anthony, Tom Oluoch, MP
Mathare Constituency

Orange Democratic Party

Hon. Jonah Mburu, MP
Lari Constituency

Jubilee Party

Hon. Gathoni Wamuchomba, MP
Kiambu County

Jubilee Party

5. Notably, the following Members of National Assembly served as members of the Departmental Committee on Communication, Information and Innovation from 2017 to July 2020:

- i. The Hon. William Kipkemai Kisang M.P as the Chairperson
- ii. Hon. George Kariuki,MP as the Vice Chairperson
- iii. Hon. John Kiarie, MP
- iv. The Hon. Liza Chelule; MP
- v. The Hon. Gathoni Wamuchomba,MP

1.4 COMMITTEE SECRETARIAT

6. The Committee is facilitated by the following Secretariat:

Ms. Hellen Kina
Clerk Assistant I/Head of the Secretariat

Ms. Ella Kendi
Clerk Assistant II

Mr. Salem Lorot
Legal Counsel I

Ms. Winnie Kulei
Research Officer II

Mr. Thomas Ogwel
Fiscal Analyst II

Mr. James Macharia
Media Relations Officer II

Mr. Nimrod Ochieng
Audio Officer

Mr. Benson Muthuri
Sergeant-At-Arm

PART TWO

2 EXIT REPORT

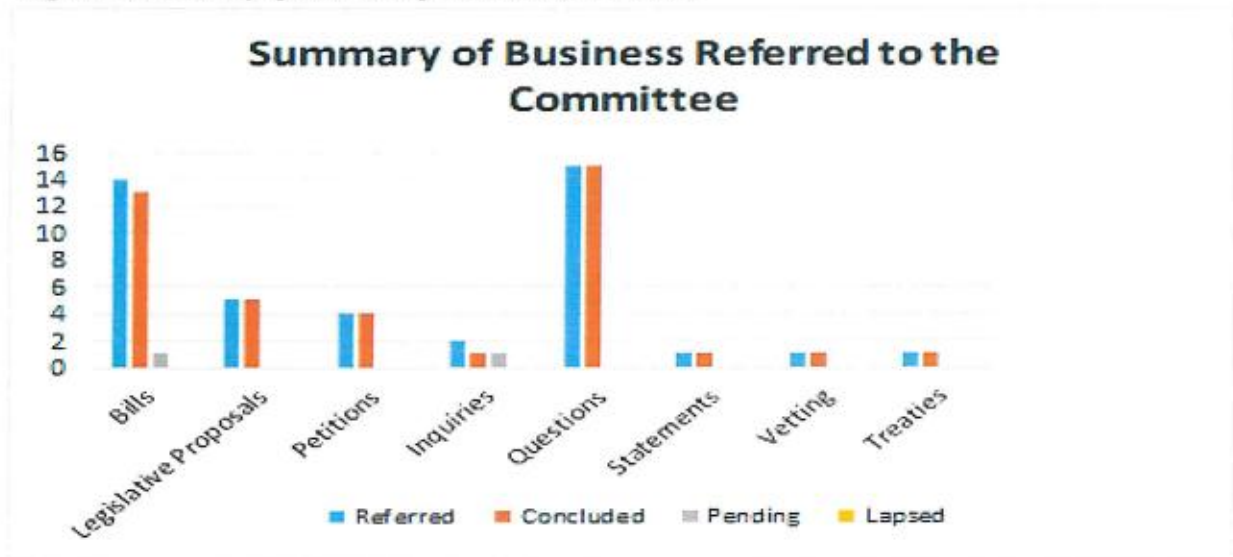
7. Standing Order No. 200A of the National Assembly Standing Orders provides that: "(1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability; (2) The report shall be made available to the succeeding Committee which may consider it in preparing its work plan".
8. The Committee was assigned various duties by the House and was able to consider and report back to the House. However, some business was not concluded by the end of the 12th Parliament.
9. The Committee considered business in the following areas:
- i. Bills
 - ii. Legislative Proposals
 - iii. Petitions
 - iv. Inquiries
 - v. Questions
 - vi. Statements
 - vii. Vetting
 - viii. Budgetary Review
 - ix. Treaties
 - x. Stakeholder Engagement
 - xi. Workshops/Retreats/Field Visits
 - xii. Foreign Travel/Benchmarking
10. The table 1 below shows a summary of the business referred to the Committee in the 12th Parliament:

Table 1: Summary of business referred to the Committee

NO.	BUSINESS	REFERRED	CONCLUDED	PENDING	LAPSED
1.	Bills	14	13	1	0
2.	Legislative Proposals	5	5	0	0
3.	Petitions	4	4	0	0
4.	Inquiries	2	1	1	0
5.	Questions	15	15	0	0
6.	Statements	1	1	0	0
7.	Vetting	1	1	0	0
8.	Treaties	1	1	0	0

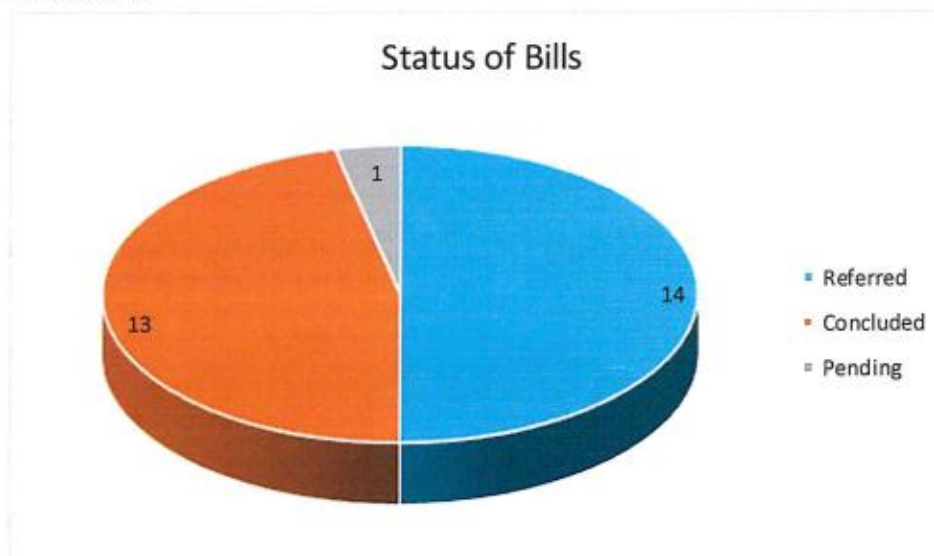
11. Below are details of the business referred to the Committee:

Figure 1: *Summary of business referred to the Committee*



2.1 BILLS

12. One of the roles of the National Assembly is to enact legislation. Committees assist the House through in-depth consideration and review of Bills by incorporating public participation in the legislative process as well as make recommendations for approval of the Bills by the House.
13. Fourteen (14) Bills were committed to the Committee mainly towards improving governance in the ICT, Broadcasting and Telecommunications sector including supporting the digital space. The Committee successfully concluded consideration of thirteen (93%) while one (7%) remained pending.
14. The pie chart below gives a summary status of the Bills committed to the Committee of the information above.



15. Table 2 below shows the status of Bills that were referred to the Committee.

Table 2: Bills referred to the Committee

NO.	BILL TITLE	COMMITTAL DATE	STATUS
SECOND SESSION			
1.	Copyright (Amendment) Bill, 2017 by Hon. Aden Duale,MP	28/9/2017	The report was tabled in the House on 5 th April, 2018
2.	Computer and Cybercrimes Bill, 2017 by Hon. Aden Duale, MP	10/10/2017	The report was tabled in the House on 20 th March, 2018
3.	Statute Law (Miscellaneous Amendment) Bill (No. 13 of 2018) by Hon. Aden Duale, MP	18/4/2018	The report was tabled in the House
THIRD SESSION			
4.	Senate Amendments to the Copyright (Amendment) Bill, 2017 by Hon. Aden Duale,MP	5/3/2019	Report tabled in the House on 28 th March, 2019
5.	The Data Protection Bill, 2019 by Hon. Aden Duale, MP	4/7/2019	Report tabled in the House on 17 th October, 2019. Assented to on 8 th November, 2019
6.	Personal Data Protection Bill (<i>Senate Bill No. 16 of 2018</i>) by Sen. Gedion Moi, MP	25/7/2019	Declared a money Bill and was not proceeded with
7.	The Kenya Information and Communication (Amendment) Bill, 2019 (<i>National Assembly Bill No.20</i>) by Hon. Elisha Odhiambo, MP	25/9/2019	Report tabled in the House on 28 th November, 2019
8.	The Kenya Information and Communication (Amendment) Bill, 2019 (<i>National Assembly Bill No. 61</i>) by Hon. Malulu Injendi,MP	2/10/2019	Report tabled in the House on 3 rd November, 2020
FOURTH SESSION- 2020			
9.	The County Outdoor Advertising Control Bill, 2018 (Sen. Bills No.19 of 2018) by Sen. Samuel Poghiso, MP	30/7/2019	Tabled in the House on 11 th March, 2020
FIFTH SESSION - 2021			
10.	Information Communication and Technology Practitioners Bill (<i>National Assembly Bill No. 38 of 2020</i>) sponsored by Hon. Godfrey Ososti, MP	22/12/2020	Report tabled in the House on 19 th August, 2021
11.	The Computer Misuse and Cybercrimes (Amendment) Bill (<i>National Assembly Bill No. 11 of 2021</i>) sponsored by Hon. Aden Duale, MP	9/6/2021	Report tabled in the House on 4 th August, 2021
SIXTH SESSION			
12.	The Copyright (Amendment Bill, 2021) (<i>National Assembly Bill No. 44 of 2021</i>) by Hon. Gladys Wanga,MP	25/11/2021	Report tabled in the House on 23 rd February, 2022
13.	The Startup Bill (<i>Senate Bill No. 1 of 2021</i>) by Sen. Johnson Sakaja,MP	2/2/2022	Report tabled in the House on 8 th June, 2022
14.	The Statute Law (Miscellaneous Amendments) Bill N.A Bill No. 26 of 2022)	26/5/2022	Pending

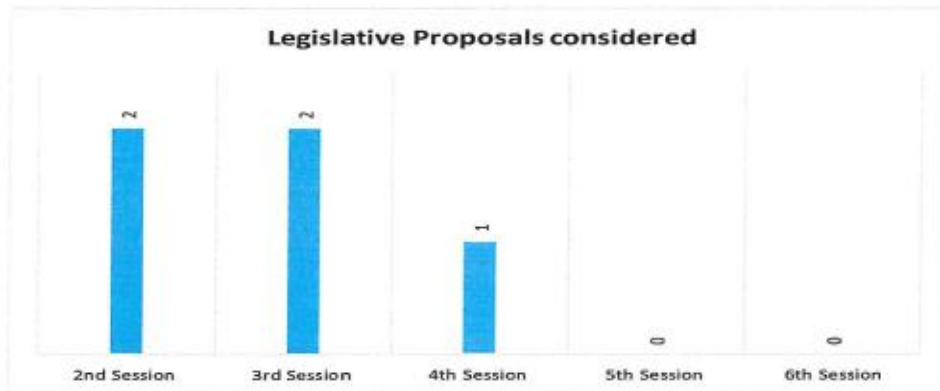
2.1.1 BILLS PENDING BEFORE THE COMMITTEE

16. At the end of the Sixth (6th) Session of the 12th Parliament the Committee had one (1) pending Bill' The Statute Law (Miscellaneous Amendments) Bill (N.A. Bill No. 26 of 2022) which was referred to the Committee on 26th May 2022.

2.2 LEGISLATIVE PROPOSALS

17. Standing Order 114 of the National Assembly Standing Orders provides for the consideration of legislative proposals by Departmental Committees.

18. Five (5) Legislative Proposals were referred to the Committee in the Twelfth Parliament. The Committee considered and submitted the five reports to the Hon. Speaker or consideration.



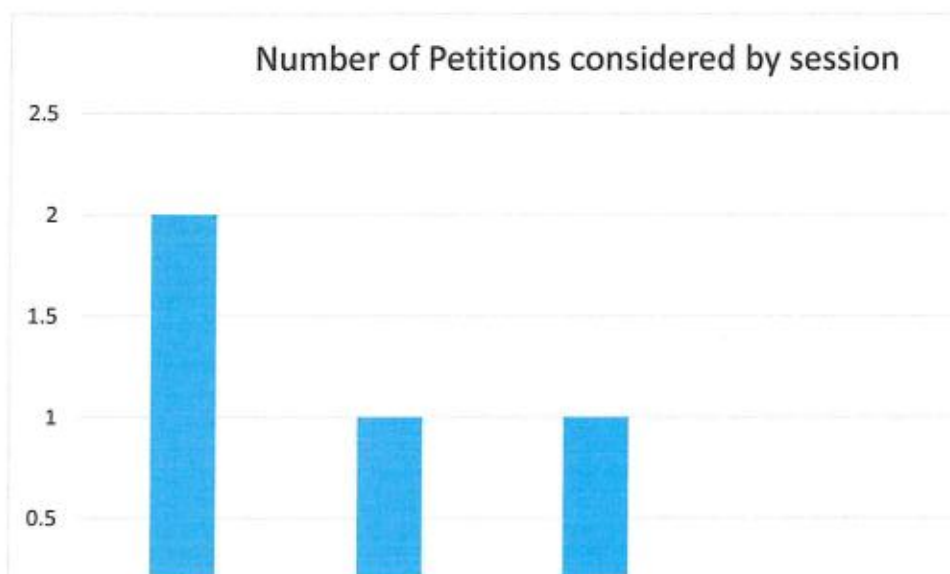
19. Table 3 shows the status of Legislative Proposals that were referred to the Committee.

Table 3: Legislative Proposals referred to the Committee

NO.	LEGISLATIVE PROPOSAL	COMMITTAL DATE	STATUS
SECOND SESSION			
1.	Kenya Information and Communications(Amendment) Bill, 2018 by Hon. Malulu Injendi,MP	29/10/2018	The report was forwarded to the Directorate of Legal Services.
2.	Kenya Information and Communications (Amendment) Bill,2018 by Hon.Elisha Odhiambo,MP	28/11/2018	The report was forwarded to the Directorate of Legal Services for further action
THIRD SESSION - 2019			
3.	Data Protection and Privacy Bill, 2019 by Hon. Omar Mohammed,MP	13/6/2019	The report was forwarded to the Directorate of Legal Services for further action
4.	The Kenya Information Communication Technology Practitioners Bill, 2019 by Hon. Godfrey Ososti,MP	1/12/2019	The report was forwarded to the Directorate of Legal Services for further action
FOURTH SESSION- 2020			
5.	Computer Misuse and Cybercrimes (Amendment) Bill, 2020 by Hon. Aden Duale,MP	10/12/2020	The Committee forwarded the report to Directorate of Legal Services.

2.3 PETITIONS

20. During the period under review, a total of four (4) Petitions were referred to the Committee for consideration. The Committee considered and tabled reports on all the petitions.



21. Table 4 provide summary highlights relating to the Petitions considered by the Committee:

Table 4: Petitions referred to the Committee

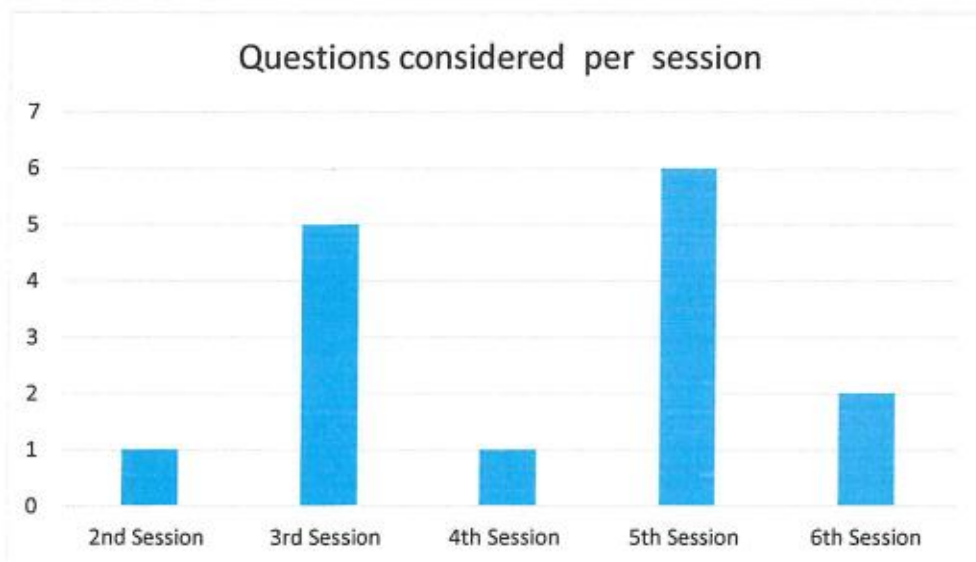
NO.	PETITION	COMMITTAL DATE	STATUS
SECOND SESSION			
1.	Public Petition by Mr. Michael Ouma Omuga and Julius K. Njiraini on enactment of legislation to govern registration, regulation and licensing of digital security and forensic professionals	15/2/2018	Concluded
2.	Public Petition by Mr. Khalid Njiraini on failure by Government to regulate activities of Citizen Newspaper	4/10/2018	Concluded
FOURTH SESSION			
3.	Public Petition by Hon. George Theuri,MP regarding provision of toll free numbers by the Ministry of ICT, Innovation and Youth Affairs	6/10/2020	Concluded
FIFTH SESSION			
4.	Public Petition by Mr. Muriuki Muriungi Removal of Ms. Tabitha Mutemi as a Member of Media Council of Kenya	11/3/2021	Concluded

2.4 INQUIRIES

22. The Committee undertook two inquiries during the Second and Fifth Sessions of the Twelfth Parliament. The inquiries undertaken by the Committee are:
- Inquiry into legislative and regulatory gaps affecting competition in the telecommunication sub-sector which was concluded and similarly considered by the House.
 - Inquiry into rampant gaming and betting activities in the broadcast media

2.5 QUESTIONS

23. A total of fifteen (15) Questions were referred to the Committee for response during the 12th Parliament, of which fourteen (14) Questions were responded to including written submissions while one (1) was referred to the Departmental Committee on Labour and Social Welfare for response. The graph below indicates a summary of the Questions considered per Session.



24. Table 5 shows the status of the Questions referred to the Committee

Table 5: Questions referred to the Committee

NO.	QUESTION	STATUS
SECOND SESSION		
1.	Question No. 158/2018 by the Nominated Member Hon. Godfrey Osotsi , regarding the decline in media sales due to increasing preference for online media platforms.	Responded to on 27 th November, 2018
THIRD SESSION		
2.	Question No. 024/2019 by Hon. Hon. Brighton Leonard Yegon , MP -Member for Konoin Constituency regarding registration of SIM cards in Kenya	Responded to on 5 th March, 2019
3.	Question No.107/2019 by Hon. Moses Kuria,MP Member for Gatundu South regarding shareholding of Kenya Broadcasting Corporation in Multichoice Kenya Limited	Responded to on 13 th June, 2019
4.	Question No. 231/2019 by Hon. Elisha Odhiambo, MP - Member for Gem Constituency regarding criteria used by	Responded to on 13 th June, 2019

NO.	QUESTION	STATUS
	telecommunication service providers to charge mobile data recent complaints by a section of Safaricom subscribers regarding the mobile data charges	
5.	Question No. 239/2019 by Catherine Waruguru, MP- Member for Laikipia County regarding lack of mobile network connectivity and coverage in parts of Laikipia North Sub County	Responded to on 13 th June, 2019
6.	Question No.381/2019 by Hon. Joyce Korir, MP Member for Bomet County regarding the regulation of the Fuliza service.	Responded to on 8 th October, 2019
FOURTH SESSION		
7.	Question No. 236/2020 by Hon. Timothy Wanyonyi, MP - Member for Westlands Constituency regarding the protection of mobile phones personal data	Responded to on 18 th November, 2020
FIFTH SESSION		
8.	Question No.103/2021 by Hon. Gideon Mulyungi, MP- Mwingi Central regarding status of telephony networks connectivity in Mwingi Central;	Responded to on 14 th July, 2021
9.	Question No. 130/2021 by Hon. Gideon Keter, MP- Nominated Cabinet Secretary Ministry of ICT, Innovation and Youth Affairs regarding Gambling in the media Sector	Responded to on 14 th July, 2021
10	Question No. 176/2021 by Hon. Joseph Manje,MP- Member for Kajiado North regarding Implementation status of National Addressing System	Responded to on 14 th July, 2021
11	Question No. 348/2021 by Hon. Caleb Amisi,MP- Member for Saboti Constituency on the status of youth empowerment centres	Forwarded and responded to before the Departmental Committee on Labour and Social Welfare
12	Question No. 44/2021 by Hon. Danson Mwashako, MP - Member for Wundanyi Constituency on details of firms which own communication masts and installation in Vuria hill in Wundanyi Constituency and their CSR projects in the area	Written response provided
13	Question No. 474/2021 by Hon. (Capt) Ruweida Obo, MP - Member for Lamu County on status of mobile network and coverage in Siu, Kizingitini and Shanga Areas in Lamu	Written response provided
SIXTH SESSION		
14	Question No. 041/2022 by Hon. Godfrey Osotsi, MP Nominated Member regarding quality of service for all the licensed telecommunication operators in the Country	28 th February, 2022
15	Question No. 114/2022 by Hon. David Ochieng, MP - Member for Ugenya Constituency regarding reason for call drops and or interference during calls by mobile service providers	Written response provided

2.6 STATEMENTS

25. One (1) Statement was referred to the Committee for response in the Twelfth (12th) Parliament. Table 6 highlights the status of the Statements

Table 6: Statements referred to the Committee

NO.	STATEMENT	STATUS
THIRD SESSION		
1.	Statement by Hon. Godfrey Osotsi, MP Nominated Member to Cabinet Secretary Ministry of ICT, Innovation and Youth Affairs on management of IFMIS	Responded to on 17 th November, 2020

2.7 VETTING

26. The Committee conducted vetting of Ms. Immaculate Kassait, the nominee for approval for appointment as the Data Protection Commissioner. Consequently, the House approved the said appointment on the basis of recommendation by the Committee.

2.8 BUDGETARY REVIEW

27. The Committee in executing its budget making mandate, reviewed and considered various budget documents. The statutory budget documents that were considered during the period under review were: Budget Policy Statements for 2018, 2019, 2020, 2021 and 2022; draft Budget Estimates for FYs 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 as well as Supplementary Estimates submitted to the House for approval.

2.9 TREATIES

28. During the period, the Committee considered and recommended the ratification of the Treaty on Audio- Visual Performances. The 2018 Treaty, sought to maintain the protection of the rights of performers in their audiovisual performances; and maintain a balance between the rights of performers in their audiovisual performances and the larger public interest, particularly on education, research and access to information.

2.10 STAKEHOLDER ENGAGEMENT FORUMS

29. The Committee engaged with various stakeholders in the execution of its mandate. These include:

- i. The Ministry of ICT, Innovation and Youth affairs to consider Bills, pre-publication scrutiny of legislative proposals, to respond to Members' Questions and Statements, to consider the 2018, 2019, 2020, 2021 and 2022 Budget Policy Statements, to consider Budget Estimates for the FY 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 and to discuss various issues under the Ministry mandate.
- ii. Kenya Copyright Board, Music Copyright Society of Kenya, Signs Media Kenya Limited, Performers Rights Society of Kenya, Aga Khan University, MMC Africa Law, Creative Economy Working Group, Kenya Association of Music Producers and Multi choice Kenya Ltd during consideration of the Copyright (Amendment) Bill, 2017.

- iii. Office of the Ombudsman to deliberate on the development of source book and guidelines on access to information
- iv. While conducting the inquiry, into legislative and regulatory gaps affecting telecommunication sector, the Committee met Communication Authority, Telkom Kenya Limited, Jamii Telecommunications Limited, Airtel Kenya Limited, Central Bank of Kenya, Finserve Limited, Safaricom Limited, Mobile Pay Limited, Wananchi Telecom, Liquid Telecom Kenya Competition Authority of Kenya, Consumer Federation of Kenya and Safaricom Dealers Association.
- v. Kenya ICT Action Network to the Kenya Internet Governance Forum at Pan Africa Hotel, Nairobi on 16th July, 2018.
- vi. Content Development and Intellectual Property (CODE IP) to a consultative forum on Privacy and Data Protection 30th Nov to 1st Dec, 2018 at Boma Hotel, Nairobi
- vii. The Committee met with several stakeholders such as the Communications Authority of Kenya, Betting Control and Licensing Board; Media Council of Kenya; the Kenya Film Classification Board; the Kenya Editors Guild; The Standard Group; the Responsible Gaming Federation of Kenya to consider inquiry into betting and gaming activities in the broadcast media

2.11 WORKSHOPS/RETREATS/FIELD VISITS

30. The Committee undertook the following workshops, retreats and field visits:

Table 7: workshops, retreats and field visits undertaken by the Committee

NO.	DATE	VENUE	ACTIVITY
SECOND SESSION			
1.	28 th Jan to 1 st Feb, 2018	Mombasa	Induction retreat
2.	18 th to 20 th February, 2018	Nairobi	Report Writing on Computer and Cyber Crimes Bill 2017
3.	19 th to 22 nd April, 2018	Nairobi	Report Writing on Copyright (Amendment) Bill, 2017
4.	26 th to 29 th April, 2018	Mombasa	Retreat with Technology Service Providers Association of Kenya on Computer and Cybercrime Bill, 2017
5.	22 nd to 27 th May, 2018	Mombasa	Retreat to consider 2018/19 Budget Estimates and work pending
6.	4 th to 6 th June, 2018	Nairobi	Report Writing on Copyright (Amendment) Bill, 2017 and Statute Law (Miscellaneous Amendments) Bill, 2018
7.	22 nd June, 2018	Multi Choice Kenya Ltd	Visit to local Production Studio at Multi Choice Kenya
8.	25 th June, 2018	Communication Authority	Visit to Cyber Security Center at Communication Authority
9.	26 th to 30 th September, 2018	Mombasa	Report writing retreat on the inquiry into legislative and regulatory gaps affecting competition in the telecommunication sector
10.	22 nd to 26 th November,	Mombasa	Report writing retreat on –

NO.	DATE	VENUE	ACTIVITY
	2018		<ul style="list-style-type: none"> i. Petition regarding petition failure by Government to regulate activities of citizen newspaper ii. Legislative proposal on Kenya Information and Communications (Amendment) Bill, 2018 iii. Inquiry into legislative and regulatory gaps affecting competition in the telecommunication sector
THIRD SESSION			
11.	28 th Feb to 3 rd March, 2019	Mombasa	Report writing retreat on the inquiry into legislative and regulatory gaps affecting competition in the telecommunication sector
12.	24 th to 26 th March, 2019	Kiambu	Retreat to consider the memoranda on the Beijing Treaty on Audio visual performances.
13.	15 th to 18 th May, 2019	Murang'a	Inspection visit to Digital Literacy Programme (DLP)
14.	22 nd to 25 th May, 2019	Naivasha	Invitation for a retreat with the Ministry of Information, Communication and Technology to consider the Budget Estimates for the FY 2019/2020
15.	14 th to 17 th August, 2019	Kilifi and Mombasa	Public hearing on the Data Protection Bill, 2019
16.	22 nd and 23 rd August, 2019	Kisumu and Kakamega	Public hearing on the Data Protection Bill, 2019
17.	29 th and 30 th August, 2019	Kericho and Nakuru	Public hearing on the Data Protection Bill, 2019
18.	6 th to 7 th October, 2019	Machakos County	Report writing retreat on the Data Protection Bill, 2019
19.	25 th to 27 th October, 2019	Naivasha	Retreat with the Communications Authority of Kenya to discuss the role that the Committee plays in the development of legislative frameworks in the Information Communication and Technology sector.
FOURTH SESSION			

NO.	DATE	VENUE	ACTIVITY
20	12 th to 16 th March, 2020	Naivasha	Budget Implementation retreat for the 1 st and 2 nd Quarter of the FY 2019/20
21	18 th to 21 st September, 2020	Kiambu County	Meeting with the Ministry of ICT, Innovation and Youth Affairs to discuss the Budget Implementation and other policy measures for the FY 2019/20
22	1 st to 4 th October, 2020	Konza Technopolis, Machakos County	Monitoring and Evaluation Project Inspection visit
23	20 th to 23 rd October, 2020	Naivasha	Report writing retreat and meeting with the CEO Media Council of Kenya to review of the Media Council Act, 2013
24	28 th to 31 st October, 2020	Machakos	Report writing retreat on vetting of the Data Commissioner
FIFTH SESSION			
25	11 th to 15 th February, 2021	Mombasa	Report writing retreat and adoption of the Committee workplan
26	21 st to 24 th February, 2021	Kiambu	Retreat with the Ministry of ICT to consider the Supplementary Estimates and the BPS
27	4 th to 8 th March, 2021	Machakos	Consideration of the ICT Practitioners, Bill, 2020
28	10 th March, 2021	Kenya Film School at Kasarani and the Kenya Film Classification Board premises	Inspection visits to assess the implementation status of the ongoing projects
29	17 th March, 2021	Inspection visit to Studio Mashinani and the Kenya Institute of Mass Communication	Monitoring and Evaluation Project Inspection visit
30	21 st to 24 th March 2021	Naivasha	Budget Implementation of the 2020/2021 FY
31	16 th to 20 th May, 2021	Mombasa	Retreat with the Ministry of ICT to consider the Budget Estimates for FY 2021/22
32	26 th to 30 th July, 2021	Naivasha	Report writing retreat on ICT Practitioners Bill, 2020 and the Computer Misuse and Cyber Crime (Amendment) Bill, 2021
33	23 rd and 24 th August, 2021	Kiambu	Invitation by the Ministry of ICT, Innovation and Youth Affairs and Telkom Kenya on implementation status of the Constituency Innovation Hubs
34	30 th September to 4 th October, 2021	Mombasa	Report writing on the inquiry into betting and gaming activities in the

NO.	DATE	VENUE	ACTIVITY
			broadcast media
35.	26 th to 30 th July, 2021	Naivasha	Report writing retreat on ICT Practitioners Bill, 2020 and the Computer Misuse and Cyber Crime (Amendment) Bill, 2021
36.	23 rd and 24 th August, 2021	Kiambu	Invitation by the Ministry of ICT, Innovation and Youth Affairs and Telkom Kenya on implementation status of the Constituency Innovation Hubs
37.	30 th September to 4 th October, 2021	Mombasa	Report writing on the inquiry into betting and gaming activities in the broadcast media
SIXTH SESSION			
38.	31 st March to 3 rd April, 2022	Mombasa	Meeting with Kenya Film Classification Board to review the regulation framework for broadcast, video on demand and 'over the content
39.	26 th to 29 th April, 2022	Kiambu	Meeting with the Ministry of ICT, Innovation and Youth Affairs to consider the FY 2022/23 Budget Estimates

2.12 FOREIGN TRAVEL

31. The Committee undertook the following foreign travel in the Twelfth Parliament:

Table 8: Foreign travel undertaken by the Committee

NO.	DATE	VENUE	ACTIVITY
SECOND SESSION			
1.	26 th February to 1 st March, 2018	Spain	Global System Mobile Association World Congress, Spain
2.	7 th to 9 th March, 2018	Wolmar , Mauritius	Visit to Google Internet Academy Wolmar, Mauritius
3.	19 th to 23 rd March, 2018	Geneva, Switzerland	World Summit on the Information Society Forum, Geneva, Switzerland
4.	7 th to 12 th April, 2018	Las-Vegas, Nevada, USA	National Association of Broadcasters Conference, Las-Vegas, Nevada, USA

NO.	DATE	VENUE	ACTIVITY
5.	15 th to 17 th May, 2018	Geneva, Switzerland	AI for Good Global Summit Geneva, Switzerland
6.	4 th To 8 th September, 2018	Washington DC	Meeting With Amazon Web Services and Related ICT Companies, Washington DC
7.	13 th to 18 th September, 2018	Amsterdam, Netherlands	International Broadcasting Conference Amsterdam, Netherlands
THIRD SESSION			
8.	6 th to 12 th April, 2019	Las-Vegas, Nevada – USA	National Association of Broadcasters Show
9.	8 th to 12 th April, 2019	Geneva, Switzerland	World Summit on Information Society
10.	9 th to 14 th May, 2019	China	Invitation to the Shenzhen Smart City Forum with International Friendship Cities
11.	14 th to 20 th May, 2019	Dubai, United Arab Emirates	Participation at the international telecommunication union (ITU) regional week on emerging technologies
FIFTH SESSION			
12.	4 th to 14 th June, 2021	Istanbul, Turkey	Capacity building
13.	7 th to 14 th June, 2021	Arusha, Tanzania	Capacity building
14.	22 nd to 31 st October, 2021	Dubai, UAE	Conference on Annual Sandbox Live Forum
SIXTH SESSION			
15.	23 rd to 27 th April, 2022	Las, Vegas USA	National Association of Broadcasters Show

PART THREE

3 ACHIEVEMENTS BY THE COMMITTEE

In view of the legislative undertakings during the period under review, the summary of key impacts includes:

32. Enactment of proposed amendments to the Copyright Act introduced new sharing formula in respect of revenues collected from ringback tunes. The legislative intervention ensured that the artists get at least 52 per cent of the daily revenue generated from ring-back tunes while other players such as the telecommunication company, Kenya Revenue Authority and Premium Rate Service Providers, among others, share the remaining revenue.
33. Following merited concerns by the public on the alleged abuse of dominance in the telecommunications sector, the Committee inquiry on both legislative and regulatory gaps in the telecommunications sub-sector addressed various areas that mainly enhanced consumer welfare and towards supporting sustainable investment by telecommunication players, which include:
 - i. Lower cost of mobile subscription as a result of review of the Mobile Termination Rates
 - ii. Provision of clear guidelines on the application, allocation and use of spectrum resources and for purposes of enhancing transparency and preventing spectrum hoarding/inefficient utilization.
 - iii. Reduced cost of mobile money transfers and access through implementation of agent interoperability that highly contribute to ease of doing business as well as catalyze post covid economic recovery and growth.
 - iv. Regulation of money lending fintech firms by the Central Bank of Kenya to avoid predatory lending practices and exploitation of Kenyans.
 - v. Fast tracking the use and utilization of the Universal Service Fund to implement national development priorities inline with the mandate of the Fund. Some of the interventions is to task the Regulator on the key issue of roaming to other Tier 1 mobile operators in the seven counties of Isiolo, Garissa, Mandera, Marsabit, Samburu, Turkana, and Wajir where there is limited coverage due to limited investment by telecommunication players and inadequate government ICT infrastructure.
 - vi. Provide for regulations on mandatory infrastructure sharing among telecoms thus reduce cost of entry for small operators thus leading to reduced cost to the users.
34. Data protection framework helps foster consumer trust and increased use of digital tools, which in turn can incentivize investment, competition and innovation in the digital economy The Data Protection Act, 2019 makes Kenya the third country in East Africa to have legislation dedicated to data protection. This law was expedited following concerns raised over the Huduma Namba registration exercise, with those opposed to the process raising concern about the safety of citizen's personal data collected by the Government. The Act seeks to; - give effect to Article 31(c) and (d) of the Constitution that contain the right to privacy; establishment of the Office of the Data Commissioner; regulate the processing of personal data, provide for the rights of data 'subjects'; and obligations of data 'controllers' (Person who determines the purpose and means of processing of personal data) and 'processors' (Person who processes personal data on behalf of the data controller).
35. The Committee undertook a legislative intervention resulting into curtailing unauthorised gaming activities in the various radio and television stations by directing the Betting Control and

Licencing Board and the Media Council of Kenya to suspend all Paybill numbers that were unlicensed/unauthorized for gaming activities that run through the broadcast channels. This has enhanced consumer protection and provided mitigation against money laundering.

PART FOUR

4 REASONS AS TO WHY THE COMMITTEE HAD SOME PENDING BUSINESS AT THE END OF THE 12TH PARLIAMENT

The Committee experienced the following challenges which made it difficult for it to optimally discharge its mandate:

- i. The COVID-19 pandemic affected the frequency of meetings and it made it difficult to meet stakeholders to prosecute matters before the Committee. This affected the Committee's efficiency in the execution of its mandate;
- ii. Unavailability of Government officials when invited for meetings to consider business before the Committee. This made it difficult for the Committee to discharge its mandate effectively;
- iii. Difficulty in raising quorum because of the 2022 General Elections especially in Sixth Session slowed down activities of the Committee; and
- iv. Lack of audio-visual devices in a number of meeting rooms made it difficult to conduct Committee business effectively.

SIGNED.......... DATE 2/6/2022.....

HON. MARK NYAMITA MP
VICE-CHAIRPERSON

DEPARTMENTAL COMMITTEE ON COMMUNICATION INFORMATION AND
INNOVATION

ANNEXTURE 1

ADOPTION LIST

**DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION**

**12TH PARLIAMENT – SIXTH SESSION (2022)
ADOPTION OF THE COMMITTEE EXIT REPORT**

DATE: 2ND JUNE, 2022

	HON. MEMBER	SIGNATURE
1.	Hon. Jane Njiru MP (Chairperson)	Virtual
2.	Hon.(Eng).Mark Nyamita Ogola MP (Vice Chairperson)	Virtual
3.	Hon. George Theuri , M.P.	Virtual
4.	Hon.Alfah, O. Miruka, M.P.	///
5.	Hon. Annie Wanjiku Kibeh, M.P.	Virtual
6.	Hon. Joshua Kimilu, Kivinda, M.P.	///
7.	Hon.Marwa Kitayama Maisori, M.P.	Virtual
8.	Hon.Mwambu Mabongah, M.P.	Virtual
9.	Hon.Maritim Sylvanus, M.P.	Virtual
10.	Hon.Mwangaza Kawira, M.P.	Virtual
11.	Hon. Jonah Mburu, M.P.	Virtual
12.	Hon. Gertrude Mbeyu Mwanyanje,M.P	Virtual
13.	Hon. Victor Munyaka , M.P.	Virtual
14.	Hon. Anthony Githiaka Kiai , M.P.	Virtual
15.	Hon. Erastus Nzioka Kivasu, M.P.	Virtual
16.	Hon. Godfrey Osotsi, Atieno , M.P.	Virtual
17.	Hon. Innocent Momanyi, Obiri, M.P.	///
18.	Hon.Anthony, Tom Oluoch, M.P.	Virtual
19.	Hon. Gathoni Wamuchomba,MP	///

ANNEXTURE 2

COMMITTEE MINUTES

MINUTES OF THE 16TH SITTING OF THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION & INNOVATION HELD VIRTUALLY ON THURSDAY 2ND JUNE, 2022 AT 12.00 NOON

PRESENT

1. Hon. Jane Wanjuki Njiru, M.P. – Chairperson
2. Hon. (Eng.). Mark Nyamita, M.P –Vice- Chairperson
3. Hon. Jonah Mburu, M.P
4. Hon. George Theuri, M.P
5. Hon. Anthony Githiaka Kiai, M.P
6. Hon. Maritim Sylvanus, MP
7. Hon. Mwangaza Kawira, M.P
8. Hon. Marwa Kitayama Maisori, M.P
9. Hon. Victor Munyaka, MP
10. Hon. Mwambu Mabongah, M.P
11. Hon. Anthony Oluoch, M.P.
12. Hon. Annie Wanjiku Kibeh, M.P
13. Hon. Gertrude Mbeyu Mwanyanje, M.P
14. Hon. Godfrey Osotsi Atieno, M.P
15. Hon. Erastus Nzioka Kivasu, M.P

APOLOGIES

1. Hon. Gathoni Wamuchomba MP
2. Hon. Alfah O. Miruka, M.P
3. Hon. Joshua Kimilu Kivinda, M.P
4. Hon. Innocent Momanyi Obiri, M.P

THE SECRETARIAT

1. Ms. Ella Kendi - Clerk Assistant II
2. Mr. Salem Lorot - Legal Counsel I
3. Ms. Winnie Kulei - Research Officer II
4. Mr. Nimrod Ochieng - Audio Officer

Agenda

1. Prayers
2. Communication from the Chairperson
3. Confirmation of the Minutes
4. Any Other Business
5. Adoption of the reports on; -
 - (a) Consideration of the Startup Bill (Senate Bill No. 1 of 2021)
 - (b) Committee Exit Report for the 12th Parliament
6. Adjournment

MIN.NO/NA/CII/2022/082:

PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past o'clock followed by a word of prayer.

MIN.NO/NA/CII/2022/083: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING

The agenda was deferred to the next sitting.

MIN.NO/NA/CII/2022/084: ADOPTION OF THE REPORT ON CONSIDERATION OF THE STARTUP BILL (SENATE BILL NO. 1 OF 2021)

The Committee considered and adopted the report on the consideration of the Startup Bill (Senate Bill No 1 of 2021) having been proposed by Hon. Mwambu Mabonga,MP and seconded by Hon. Annie Kibeh,MP

The report was adopted with the following recommendations; -

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“Regulatory Sandbox” means a tailored regulatory environment for conducting limited scale live tests of startups;

CLAUSE 4

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

Functions of the national government.

4. The national government shall—

- (a) establish policies, norms and standards for the development of the business incubation sector and startup system;
- (b) provide for the co-ordination of national, county and concurrent functions relating to startups;
- (c) establish public online and other platforms for access to information including the establishment and development of startups, existing incubation programmes, access to fiscal and non-fiscal support;
- (d) keep and maintain a directory of startups and incubators;
- (e) support any research and development activities undertaken by startups;
- (f) put in place facilitative structures that ensure the protection of the innovations of startups at the national and international level for the protection of intellectual property;
- (c) enforce compliance with this Act;
- (d) put in place mechanisms for pre-incubation of entities and for this purpose, provide training and

capacity building programmes to startups registered under this Act;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Functions of the county government.

4A. A county government shall—

- (a) enforce compliance of this Act and other applicable laws;
- (b) implement policy standards and norms of business incubation sector and startup system;
- (c) establish programmes for the certification and admission of incubators into the incubation programmes;
- (d) put in place mechanisms that promote the development of business incubation programmes;
- (e) create an enabling environment for the promotion of business incubators including fiscal and non-fiscal incentives to incubators and startups;
- (f) put in place mechanisms to enable access to entities from marginalized groups through the use of quotas or mechanisms that match them to unused capacity in existing programmes;
- (g) support any research and development activities undertaken by startups;
- (h) perform such other functions as are incidental to the exercise of any or all of the county functions provided for under this Act.

CLAUSE 5

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following new clause—

Establishment of incubation programmes.

5. (1) The Agency and the county executive committee member shall—

- (a) establish incubation programmes.
- (b) prescribe criteria for the evaluation of entities, programmes and structures set up for the purposes of implementing this Act.

CLAUSE 7

THAT, Clause 7 of the Bill be amended in subclause (3) by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b).

CLAUSE 8

THAT, Clause 8 of the Bill be amended in subclause (1) by deleting paragraph (e).

CLAUSE 9

THAT, Clause 9 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) An entity that qualifies for admission into an incubation programme under section 8 may submit an application in the prescribed form to the Registrar.”

(b) in subclause (2) by deleting paragraph (b) (i);

(c) in subclause (3) by deleting the words “, as the case may be,”;

(d) by deleting subclause (4) and substituting therefor the following new subclause—

“(4) The Agency shall put in place mechanisms to ensure that the admission process of an entity under this section is simple, efficient, accurate and transparent and shall, for this purpose, establish an online platform for the submission of the documents and information specified under subsection (1).”

CLAUSE 10

THAT, the Bill be amended by deleting Clause 10 and substituting therefor the following new Clause—

Consideration of application and registration.

10. (1) The Registrar shall, within thirty days upon receipt of an application under section 9—

(a) examine the application together with the documents; and

(b) if the Registrar considers it necessary, call for such further information or carry out such inspections as he or she may consider necessary for the determination of the application.

(2) Where the Registrar is satisfied that an applicant meets the requirements for registration under this Act, the Registrar shall, subject to the provisions of this Act, enter the name and particulars of the applicant in the register of startups kept for that purpose.

CLAUSE 11

THAT, Clause 11 of the Bill be amended by deleting the words "or county registrar, as the case may be,".

CLAUSE 13

THAT, Clause 13 of the Bill be amended—

(a) in the introductory statement in subclause (1), by deleting the words "or county registrar";

(b) in subclause (2), by deleting the words "or county registrar, as the case may be,".

CLAUSE 14

THAT, Clause 14 of the Bill be amended in subclause (1) by deleting the words "or county registrar".

CLAUSE 30

THAT, Clause 30 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (i)—

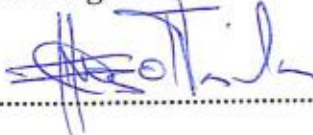
"(ia) on regulatory sandboxes;"

**MIN.NO/NA/CII/2022/085: CONSIDERATION AND ADOPTION OF THE
COMMITTEE EXIT REPORT FOR THE 12TH
PARLIAMENT**

The Committee considered and adopted the Committee Exit Report for the 12th Parliament having been proposed by Hon. Hon. Anthony Oluoch, MP and seconded by Hon. Sylvanus Maritim,MP.

MIN.NO/NA/CII/2022/086: ADJOURNEMENT

There being no other business to deliberate on, the meeting was adjourned at forty minutes past one o'clock. The next meeting to be held on notice.

SIGNED.......... DATE.....8/6/2022.....

HON. MARK NYAMITA , MP - VICE- CHAIRPERSON

