

DATA GOVERNANCE IN KENYA

DRAFT REPORT

FEBRUARY 2021



infotrak
Research & Consulting

AMNESTY
INTERNATIONAL



SURVEY APPROACH & METHODOLOGY



DESK RESEARCH

Review of relevant literature that will be used to contextualise the Qualitative and Quantitative findings

QUALITATIVE RESEARCH

KIIs with critical stakeholders

FGDs with members of the general public

QUANTITATIVE RESEARCH

Computer Assisted Telephone Interviewing (CATI) with members of the general public

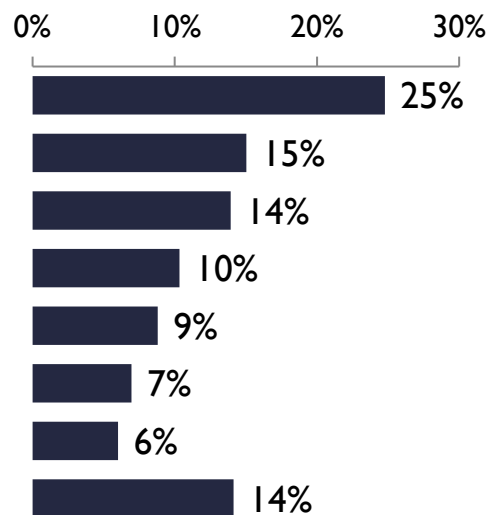
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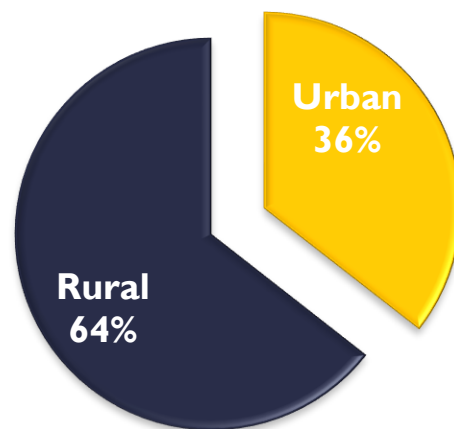
When was the survey conducted?	19th February – 24th February 2021
How was the survey conducted?	Quantitative Interviews were conducted through Computer Assisted Telephone Interviews (CATI) Qualitative Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) Desk Research
Universe and Survey sample	The relevant section of the public that was targeted in the survey (i.e. the universe) was persons who were 18 years old and above at the time of the survey. The overall survey had a target survey sample size of 1500 respondents.
What was the margin of error?	±2.53% at 95% degree of confidence.
What was the response rate?	97% response rate.
Weighting	Design & Post-stratification weights were applied to the data. After data collection, weights were applied to the achieved data to ensure demographic representation of the 18+ years population in Kenya. When the achieved interviews slightly differ from the intended proportions for sample category, the survey dataset is weighted for the purpose of correcting the sample characteristics to be representative to that of the target population.
Survey Geographical Coverage	The survey covered 30 counties and all the 8 regions of Kenya. To ensure the survey findings were representative of the Kenyan population aged 18+ years, the distribution of the survey sample across the regions was proportionately allocated. As such Rift Valley region had the largest sample size while North Eastern region had the smallest.
Data Analysis	Data was processed and analyzed using SPSS version 26 statistical software due to its high accuracy and reliability. Qualitative Data was analyzed using Qualitative Analysis Methods such as Grids

REGION	Total Population (Millions)	Adult Population (Millions)	Regional Proportions	Sample	Achieved
COAST	4.3 M	2.3 M	9%	136	136
NORTH EASTERN	2.5 M	1.0 M	4%	60	60
EASTERN	6.8 M	3.9 M	15%	225	231
CENTRAL	5.5 M	3.4 M	13%	201	203
RIFT VALLEY	12.8 M	6.6 M	26%	384	386
WESTERN	5.0 M	2.5 M	10%	144	147
NYANZA	6.3 M	3.2 M	12%	184	186
NAIROBI	4.4 M	2.9 M	11%	167	172
TOTAL	47.6 M	25.7 M	100%	1500	1521

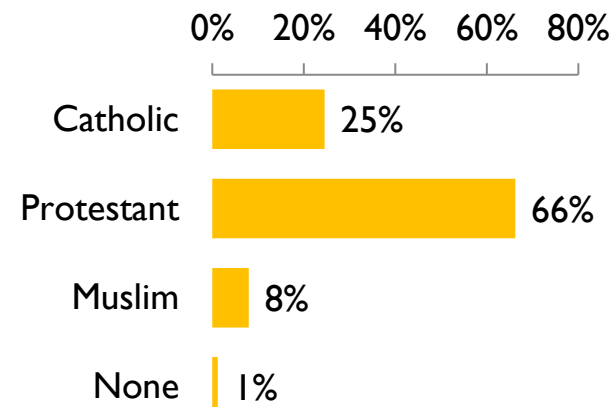
Age



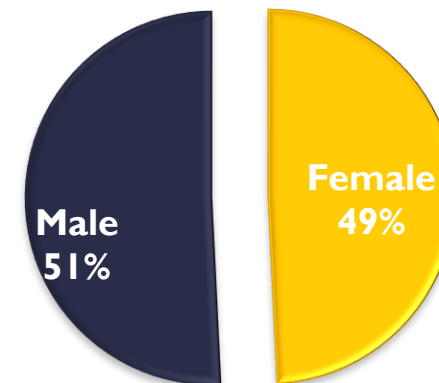
Location



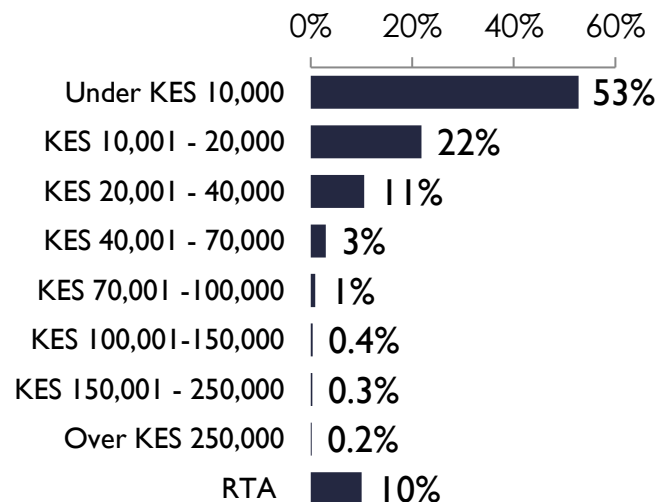
Religion



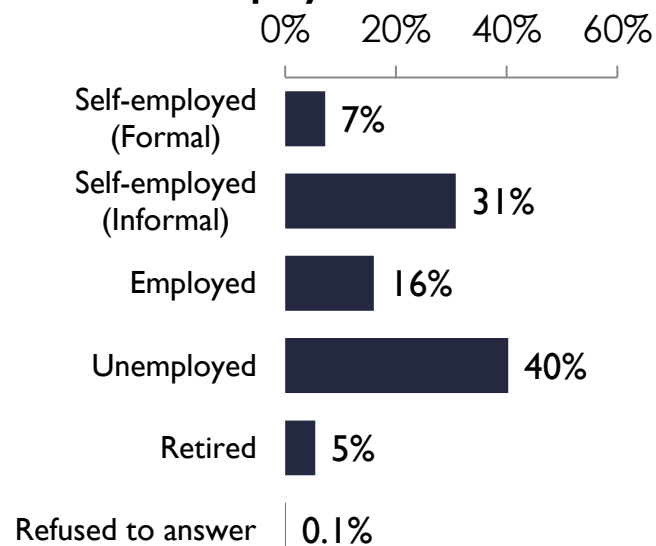
Gender



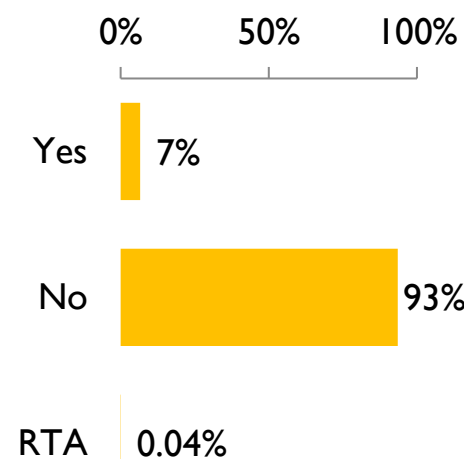
Monthly Household Income



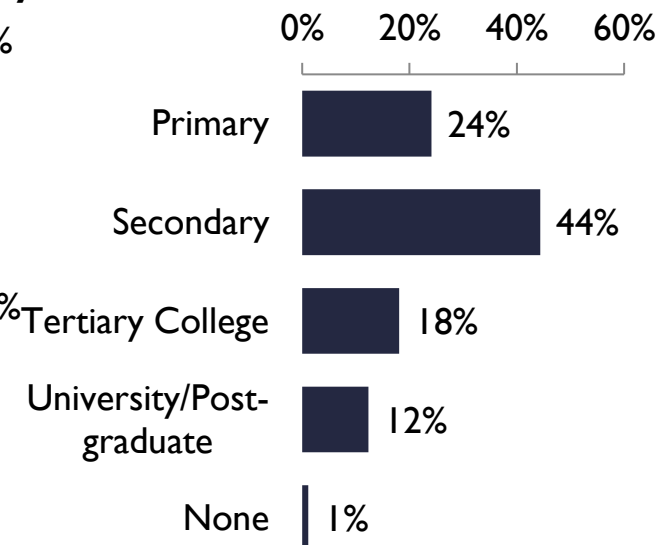
Employment



Any Form of Disability



Level of education



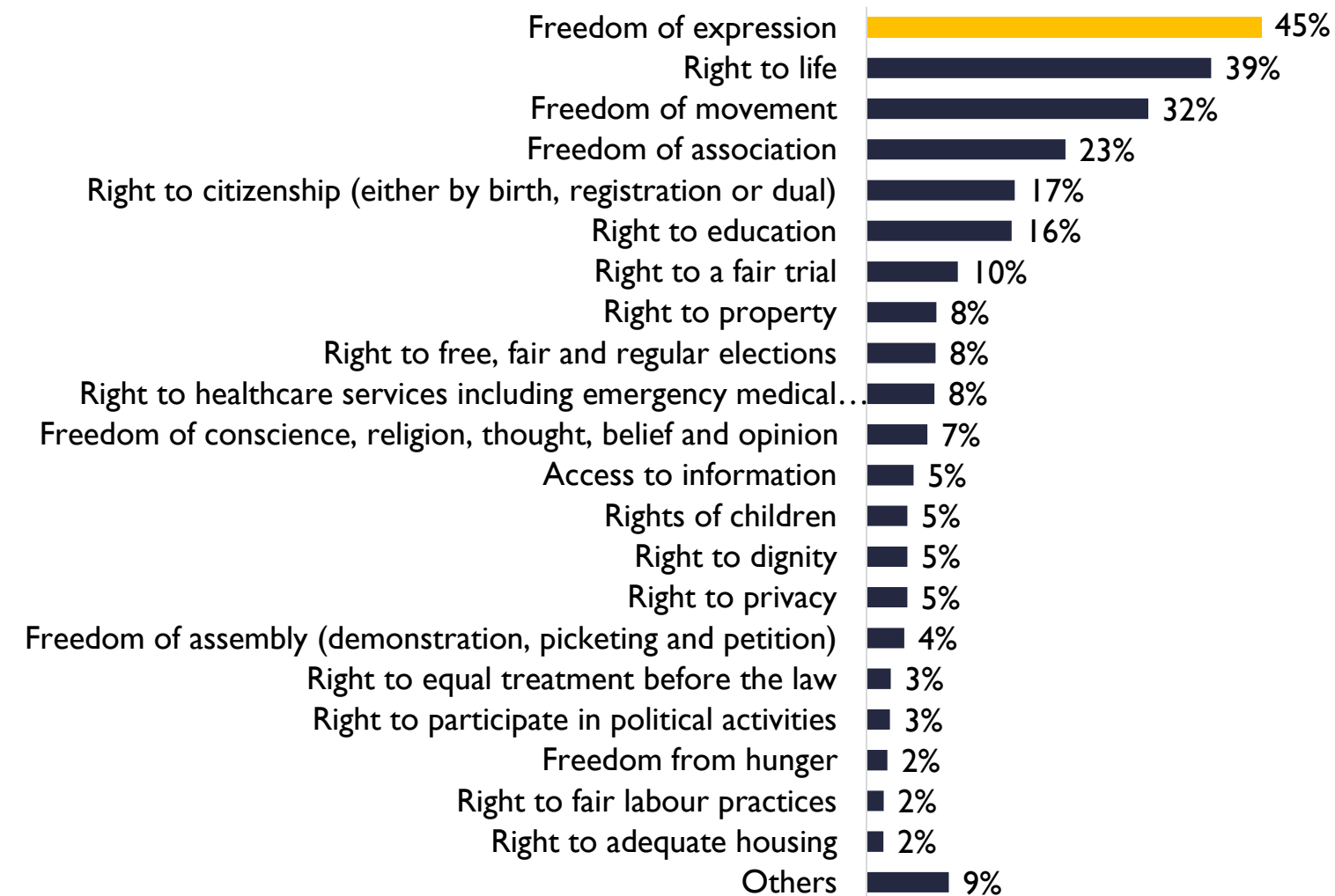
SURVEY FINDINGS





AWARENESS OF THE RIGHT TO PRIVACY





“...Right to privacy, information, health and education...” – FGD Participant, Nairobi, Female, 25 – 35 yrs

“...We have a right to peacefully protest and demonstrate, a right to basic needs according to Abraham Maslow's hierarchy and the right to vote...” – FGD Participant, Kisumu, Female, 36+ yrs

Other mentions:

- Protection of rights of arrested and detained persons
- Right to clean and safe water and sanitation
- Protection from illegal detention
- Right to language and culture
- Rights of older persons
- Right to goods and service of reasonable quality
- Rights of persons with disabilities
- Rights of minorities and marginalized groups

n = 1521

The Constitution of Kenya allows citizens a number of rights. Kindly name any three rights Kenyans are entitled to which you are aware of

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Freedom of expression	48%	50%	46%	47%	44%	33%	50%	40%	45%
Right to life	48%	29%	41%	36%	45%	30%	36%	38%	39%
Freedom of movement	22%	39%	25%	38%	33%	37%	28%	35%	32%
Freedom of association	15%	26%	21%	24%	24%	22%	24%	23%	23%
Right to citizenship (either by birth, registration or dual)	16%	18%	15%	19%	19%	14%	11%	22%	17%
Right to education	20%	21%	16%	13%	15%	21%	18%	14%	16%
Right to a fair trial	11%	11%	10%	12%	15%	7%	5%	9%	10%
Right to property	5%	10%	3%	8%	10%	11%	5%	14%	8%
Right to free, fair and regular elections	7%	4%	11%	5%	9%	9%	8%	4%	8%
Right to healthcare services including emergency medical treatment	12%	2%	4%	8%	7%	14%	7%	8%	8%
Freedom of conscience, religion, thought, belief and opinion	3%	3%	7%	8%	5%	11%	10%	4%	7%
Access to information	5%	-	8%	6%	4%	9%	3%	5%	5%
Rights of children	5%	2%	3%	4%	6%	3%	6%	7%	5%
Right to dignity	3%	2%	6%	4%	5%	3%	5%	5%	5%
Right to privacy	1%	3%	5%	4%	3%	3%	12%	4%	5%
Freedom of assembly (demonstration, picketing and petition)	5%	5%	2%	1%	4%	8%	7%	1%	4%
Right to equal treatment before the law	4%	1%	3%	5%	2%	3%	1%	3%	3%
Right to participate in political activities	3%	-	2%	1%	4%	1%	4%	3%	3%
Freedom from hunger	2%	-	1%	2%	3%	3%	4%	1%	2%
Right to fair labour practices	4%	-	3%	2%	1%	4%	2%	2%	2%
Right to adequate housing	1%	-	1%	6%	1%	2%	1%	2%	2%
Others	17%	12%	11%	6%	7%	15%	7%	10%	9%

The Constitution of Kenya allows citizens a number of rights. Kindly name any three rights Kenyans are entitled to which you are aware of

n =1521

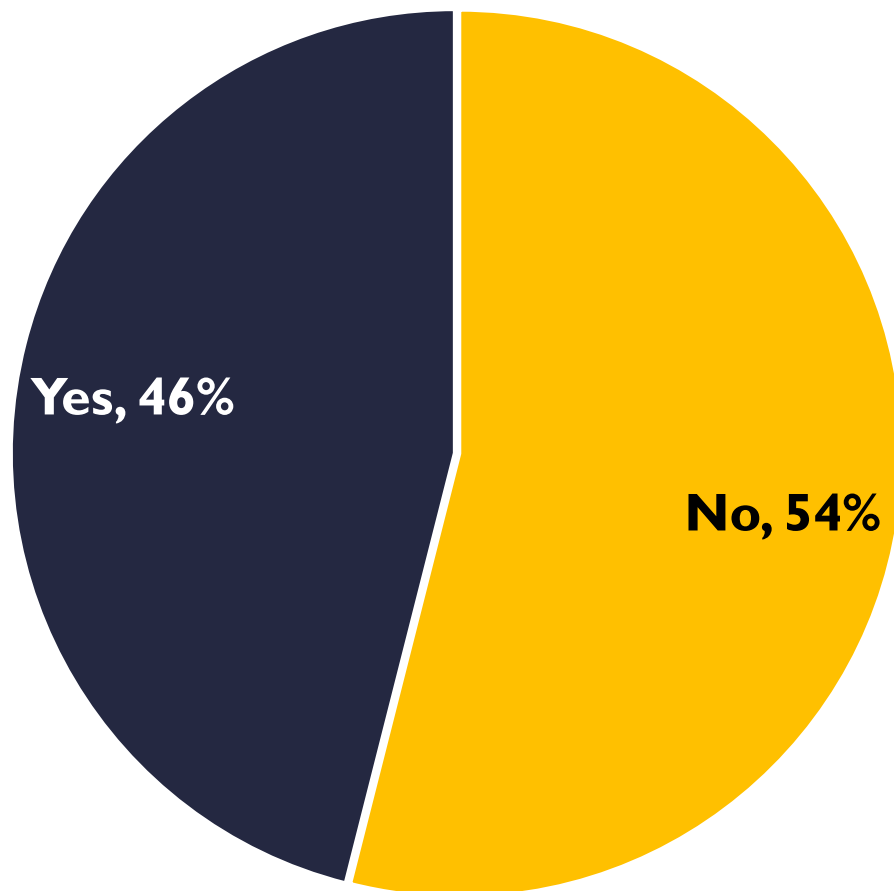
	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Freedom of expression	57%	46%	46%	37%	37%	33%	42%	39%	45%
Right to life	31%	50%	37%	43%	45%	46%	44%	31%	39%
Freedom of movement	29%	31%	33%	32%	34%	43%	32%	31%	32%
Freedom of association	22%	24%	24%	19%	18%	18%	20%	28%	23%
Right to citizenship (either by birth, registration or dual)	16%	17%	17%	19%	16%	11%	17%	19%	17%
Right to education	12%	15%	17%	16%	18%	28%	17%	19%	16%
Right to a fair trial	16%	9%	11%	6%	10%	11%	9%	6%	10%
Right to property	6%	7%	6%	9%	14%	11%	3%	11%	8%
Right to free, fair and regular elections	12%	8%	5%	7%	7%	5%	5%	7%	8%
Right to healthcare services including emergency medical treatment	7%	4%	5%	11%	13%	15%	11%	5%	8%
Freedom of conscience, religion, thought, belief and opinion	4%	9%	7%	8%	5%	6%	9%	9%	7%
Access to information	6%	8%	4%	4%	6%	5%	4%	3%	5%
Rights of children	2%	4%	5%	5%	2%	10%	2%	8%	5%
Right to dignity	4%	4%	4%	7%	8%	4%	4%	3%	5%
Right to privacy	6%	6%	4%	7%	3%	3%	3%	1%	5%
Freedom of assembly (demonstration, picketing and petition)	9%	3%	2%	3%	2%	2%	2%	4%	4%
Right to equal treatment before the law	1%	3%	4%	3%	4%	3%	5%	3%	3%
Right to participate in political activities	2%	1%	4%	3%	3%	2%	4%	2%	3%
Freedom from hunger	2%	1%	3%	4%	4%	-	2%	3%	2%
Right to fair labour practices	1%	1%	2%	5%	3%	2%	1%	2%	2%
Right to adequate housing	3%	1%	1%	1%	1%	4%	-	3%	2%
Others	7%	7%	10%	7%	12%	11%	12%	13%	9%

The Constitution of Kenya allows citizens a number of rights. Kindly name any three rights Kenyans are entitled to which you are aware of
 n =1521

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Freedom of expression	49%	43%	41%	48%	45%
Right to life	39%	39%	41%	38%	39%
Freedom of movement	31%	32%	32%	32%	32%
Freedom of association	24%	22%	20%	25%	23%
Right to citizenship (either by birth, registration or dual)	16%	17%	17%	17%	17%
Right to education	17%	16%	18%	15%	16%
Right to a fair trial	10%	11%	10%	10%	10%
Right to property	11%	6%	8%	8%	8%
Right to free, fair and regular elections	6%	9%	7%	8%	8%
Right to healthcare services including emergency medical treatment	8%	8%	8%	8%	8%
Freedom of conscience, religion, thought, belief and opinion	5%	8%	10%	4%	7%
Access to information	7%	4%	5%	6%	5%
Rights of children	4%	5%	5%	4%	5%
Right to dignity	5%	5%	4%	6%	5%
Right to privacy	6%	4%	5%	4%	5%
Freedom of assembly (demonstration, picketing and petition)	3%	5%	2%	7%	4%
Right to equal treatment before the law	2%	3%	3%	3%	3%
Right to participate in political activities	3%	2%	1%	4%	3%
Freedom from hunger	2%	2%	3%	2%	2%
Right to fair labour practices	1%	3%	2%	2%	2%
Right to adequate housing	2%	2%	1%	3%	2%
Others	9%	10%	9%	9%	9%

The Constitution of Kenya allows citizens a number of rights. Kindly name any three rights Kenyans are entitled to which you are aware of

n =1521



“...I personally didn't know we have a right to privacy...” - FGD Participant, Kisumu, Female, 36+ yrs

“...I know that every citizen is entitled to it, I don't expect my home to be searched without a court order...” - FGD Participant, Mombasa, Male, 36+ yrs

“...Privacy is where by you exclude other people from accessing your information like health, issues family issues and your personal data...” – FGD Participant, Garissa, Male, 36+ yrs

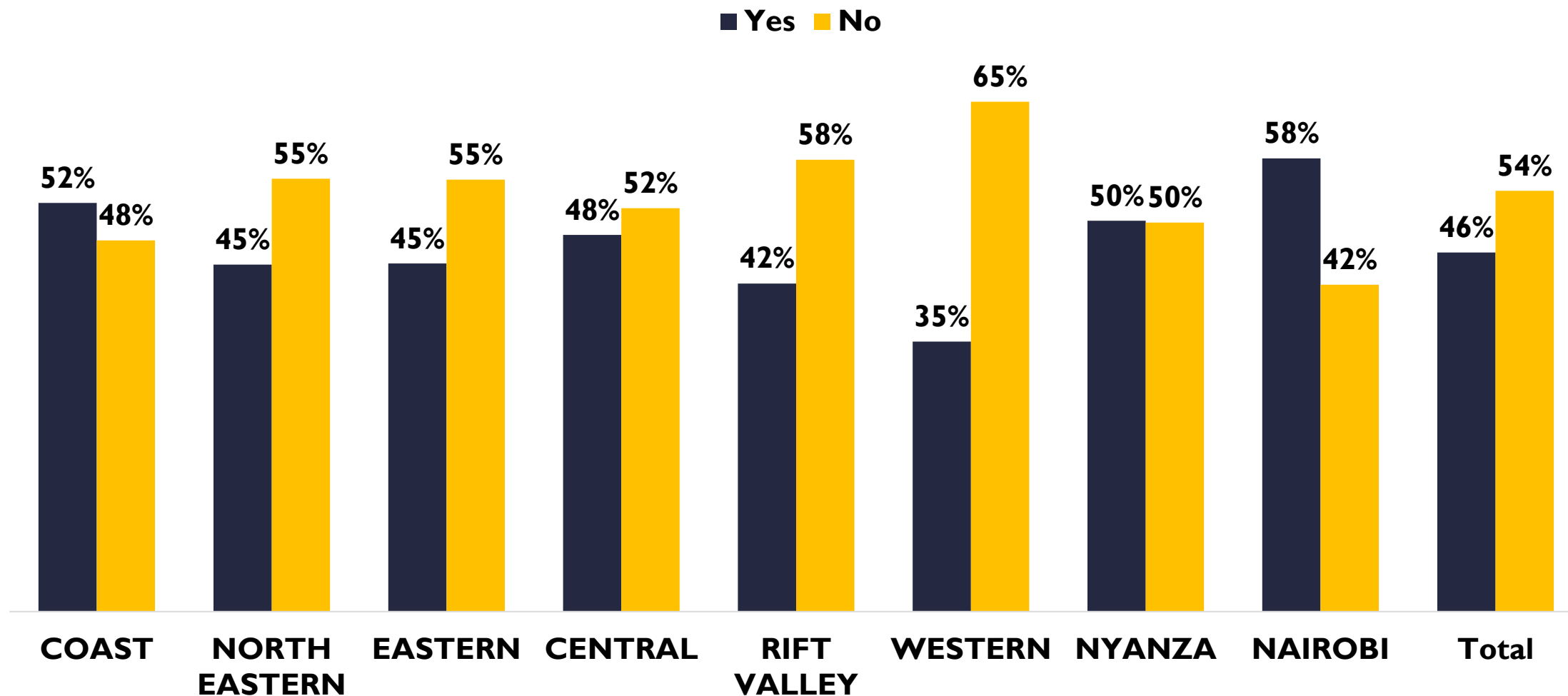
“...A doctor should not share your information with anyone else. Also in terms of banking, the bank tellers should maintain privacy between themselves and customers...” - FGD Participant, Mombasa, Male, 36+ yrs

n = 1521

Are you aware of the Right to Privacy?



Awareness of the Right to Privacy is highest in Nairobi (58%) and Coast (52%); it lowest in Western (65%) and Rift Valley (58%)

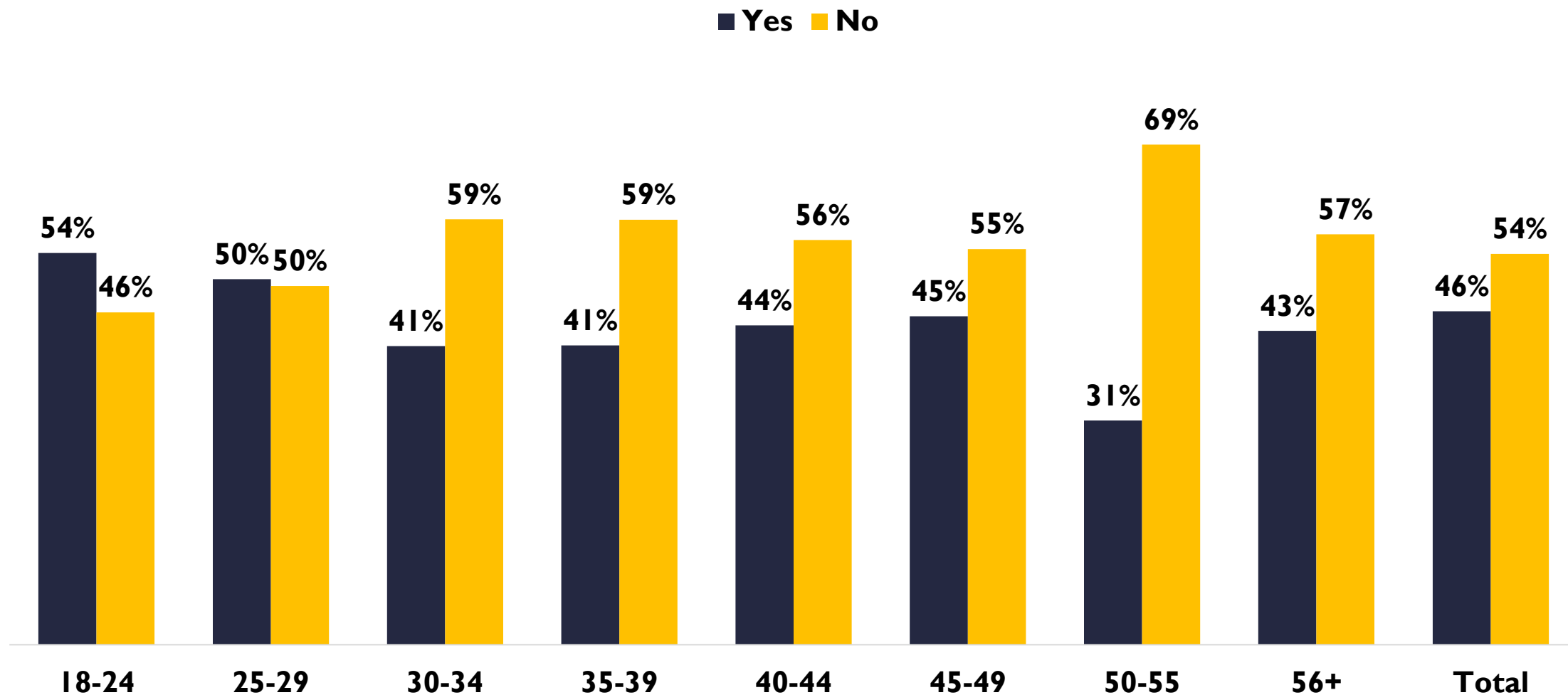


Are you aware of the Right to Privacy?

n = 1521



Awareness of the Right to Privacy is highest among Kenyans aged 18 - 24 (54%) and 25 - 29 (50%); it lowest among Kenyans aged 50 - 55 (31%)

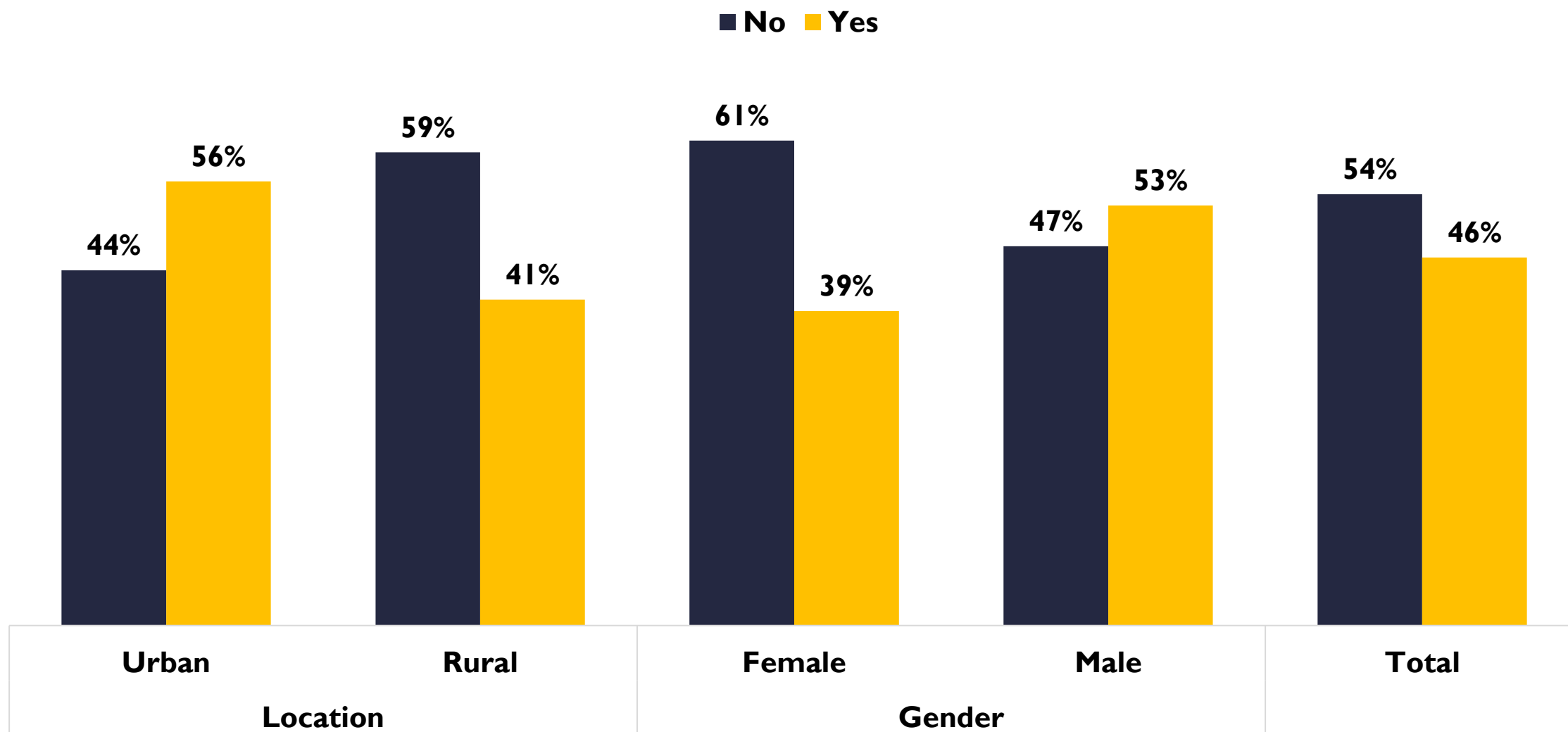


Are you aware of the Right to Privacy?

n = 1521



Awareness of the Right to Privacy is higher in Urban areas (56%) than it is in Rural areas (41%); 61% of women are unaware of the Right to Privacy compared to 47% of men

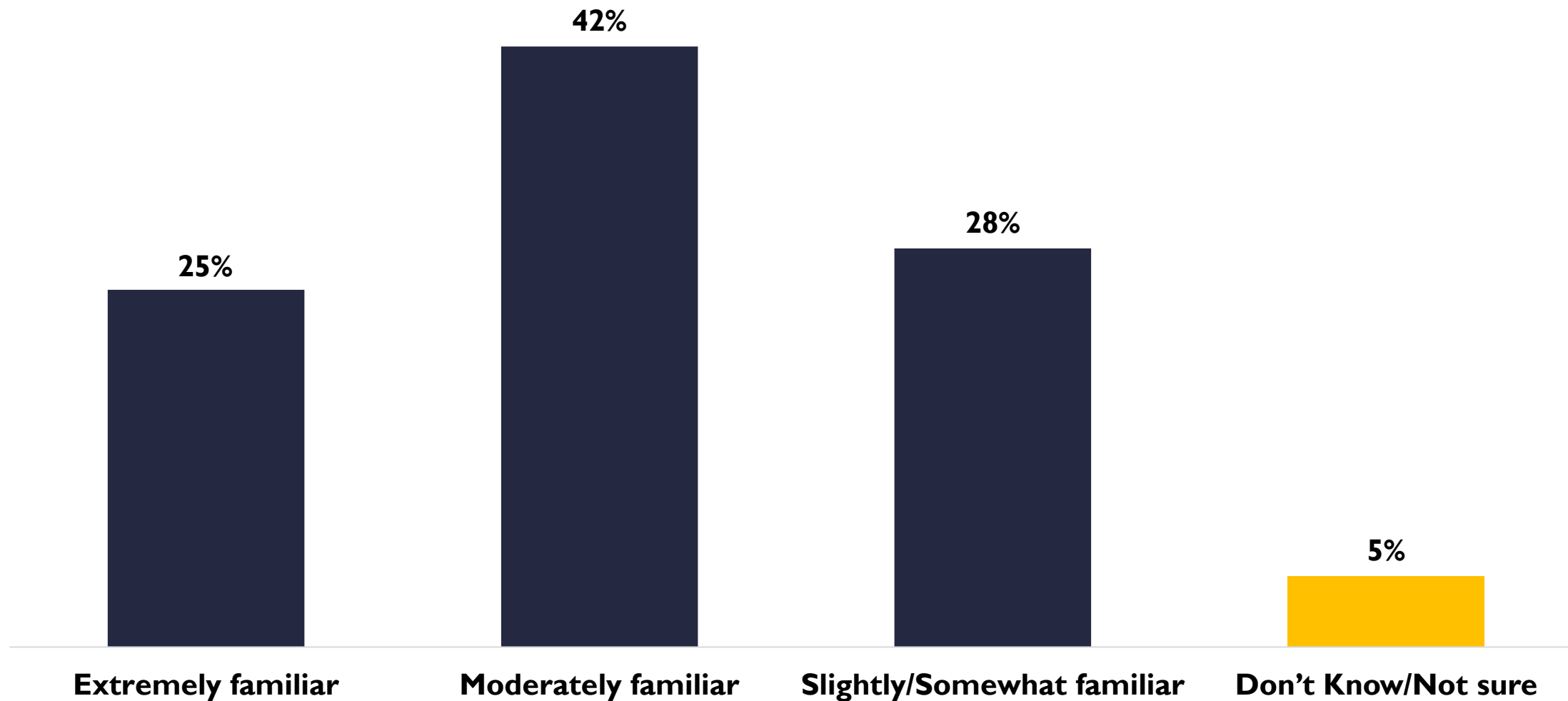


Are you aware of the Right to Privacy?

n = 1521



About 4 in 10 Kenyans who are aware of the Right to Privacy are moderately familiar with it



n =700, those aware of
the right to privacy

If yes in Q2 above, the Right to Privacy is found in Article 31 of the Constitution of Kenya 2010. How familiar are you with this right? Are you....?

	Extremely familiar	Moderately familiar	Slightly/Somewhat familiar	Don't Know/Not sure
COAST	26%	41%	27%	6%
NORTH EASTERN	41%	33%	10%	16%
EASTERN	15%	50%	29%	6%
CENTRAL	39%	37%	19%	5%
RIFT VALLEY	18%	46%	35%	1%
WESTERN	27%	34%	38%	1%
NYANZA	28%	37%	27%	8%
NAIROBI	22%	49%	26%	2%
Total	25%	42%	28%	5%

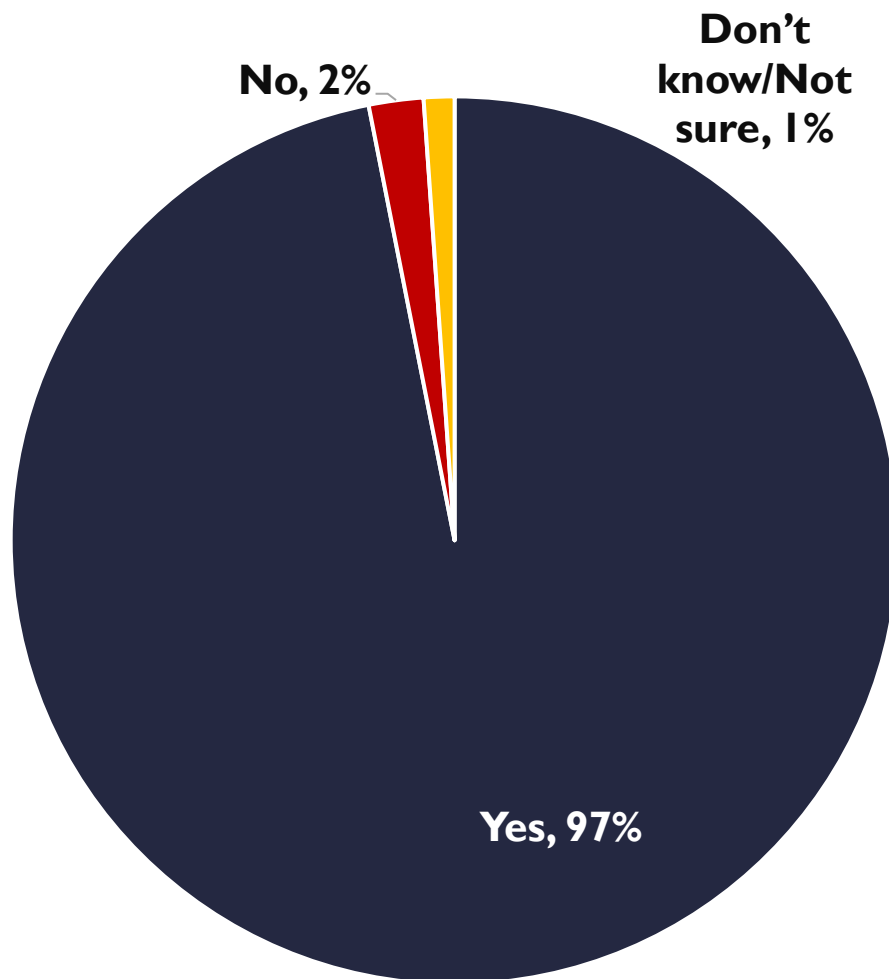
If yes in Q2 above, the Right to Privacy is found in Article 31 of the Constitution of Kenya 2010. How familiar are you with this right? Are you....?

n =700

	Extremely familiar	Moderately familiar	Slightly/Somewhat familiar	Don't Know/Not sure
18-24	31%	34%	28%	6%
25-29	23%	51%	23%	3%
30-34	25%	52%	19%	3%
35-39	18%	49%	27%	6%
40-44	28%	39%	27%	7%
45-49	12%	52%	36%	-
50-55	31%	30%	33%	6%
56+	23%	35%	38%	3%
Total	25%	42%	28%	5%

If yes in Q2 above, the Right to Privacy is found in Article 31 of the Constitution of Kenya 2010. How familiar are you with this right? Are you....? **n =700**

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Extremely familiar	24%	26%	24%	26%	25%
Moderately familiar	48%	38%	39%	44%	42%
Slightly/Somewhat familiar	24%	31%	30%	27%	28%
Don't Know/Not sure	4%	5%	6%	3%	5%



“...In my opinion it is important especially in the digital age; it is important to have assurance that your information is secure...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

Do you think the Right to Privacy is an important human right?

n =700, those aware of the right to privacy

	Yes	No	Don't know/Not sure
COAST	96%	1%	2%
NORTH EASTERN	100%	-	-
EASTERN	98%	1%	1%
CENTRAL	99%	1%	-
RIFT VALLEY	94%	3%	3%
WESTERN	99%	1%	-
NYANZA	99%	1%	-
NAIROBI	99%	-	1%
Total	97%	2%	1%

Do you think the Right to Privacy is an important human right?

n =700

	Yes	No	Don't know/Not sure
18-24	98%	-	2%
25-29	98%	1%	1%
30-34	97%	2%	1%
35-39	97%	3%	-
40-44	95%	4%	1%
45-49	95%	5%	-
50-55	100%	-	-
56+	98%	-	2%
Total	97%	2%	1%

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Yes	98%	97%	99%	96%	97%
No	2%	1%	1%	2%	2%
Don't know/Not sure	1%	1%	0.2%	2%	1%

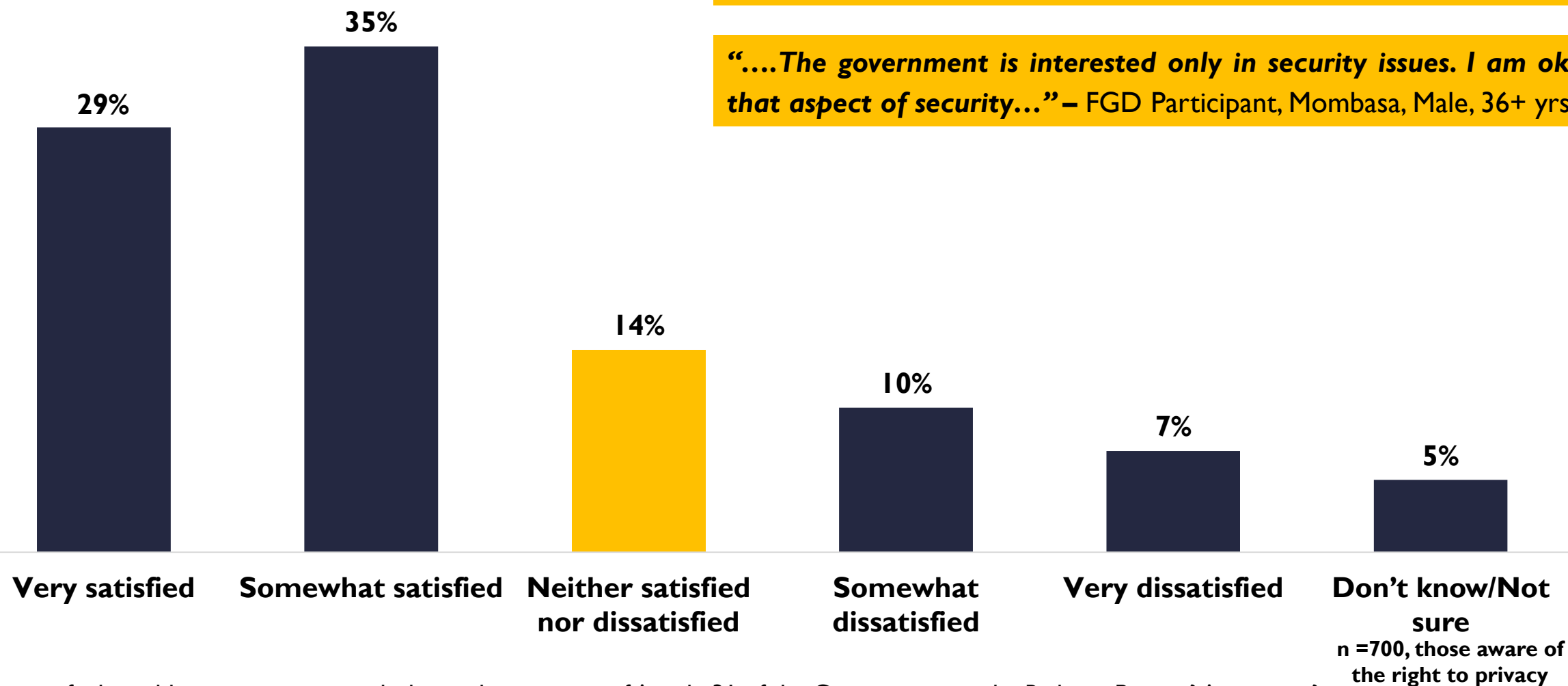


64% of Kenyans who are aware of the Right to Privacy are satisfied with the implementation of Article 31



“...I am not satisfied because there are a lot of cases where there is breach of privacy...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

“....The government is interested only in security issues. I am okay with that aspect of security...” – FGD Participant, Mombasa, Male, 36+ yrs



How satisfied would you say you are with the implementation of Article 31 of the Constitution on the Right to Privacy? Are you...?

	Very satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Very dissatisfied	Don't know/Not sure
COAST	12%	31%	27%	11%	6%	13%
NORTH EASTERN	37%	42%	5%	17%	-	-
EASTERN	32%	35%	11%	8%	10%	4%
CENTRAL	32%	30%	23%	13%	2%	-
RIFT VALLEY	22%	40%	15%	13%	7%	3%
WESTERN	34%	44%	8%	5%	7%	1%
NYANZA	48%	29%	1%	4%	7%	12%
NAIROBI	20%	35%	19%	17%	7%	2%
Total	29%	35%	14%	10%	7%	5%

	Very satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Very dissatisfied	Don't know/Not sure
18-24	32%	27%	17%	11%	5%	9%
25-29	32%	33%	16%	9%	6%	4%
30-34	33%	40%	10%	8%	9%	1%
35-39	22%	46%	8%	14%	7%	3%
40-44	21%	40%	20%	11%	7%	1%
45-49	10%	54%	23%	8%	4%	2%
50-55	25%	34%	6%	20%	12%	3%
56+	39%	29%	8%	10%	9%	6%
Total	29%	35%	14%	10%	7%	5%

How satisfied would you say you are with the implementation of Article 31 of the Constitution on the Right to Privacy? Are you...?

n =700

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Very satisfied	26%	32%	33%	27%	29%
Somewhat satisfied	34%	36%	35%	35%	35%
Neither satisfied nor dissatisfied	15%	13%	13%	15%	14%
Somewhat dissatisfied	13%	9%	11%	11%	10%
Very dissatisfied	8%	5%	6%	7%	7%
Don't know/Not sure	5%	5%	2%	6%	5%

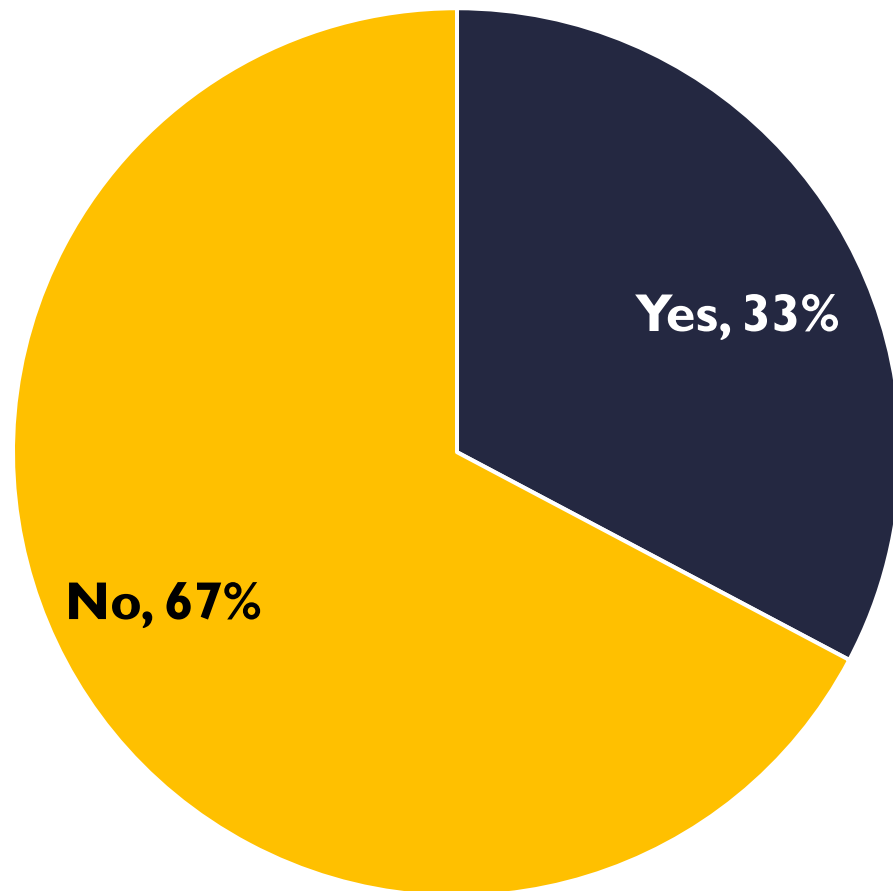


IMPLEMENTATION OF THE DATA PROTECTION ACT, 2019





About 7 in 10 Kenyans are unaware of the Data Protection Act, 2019



“...No...” - FGD Participant, Kisumu, Female, 36+ yrs

“...No I haven't heard about it...” - FGD Participant, Mombasa, Male, 36+ yrs

“...Yes, it contains measures that have been taken and outlines how data should be handled and has given power to the Data Commissioner who handles the data process. But there has not been any public awareness...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

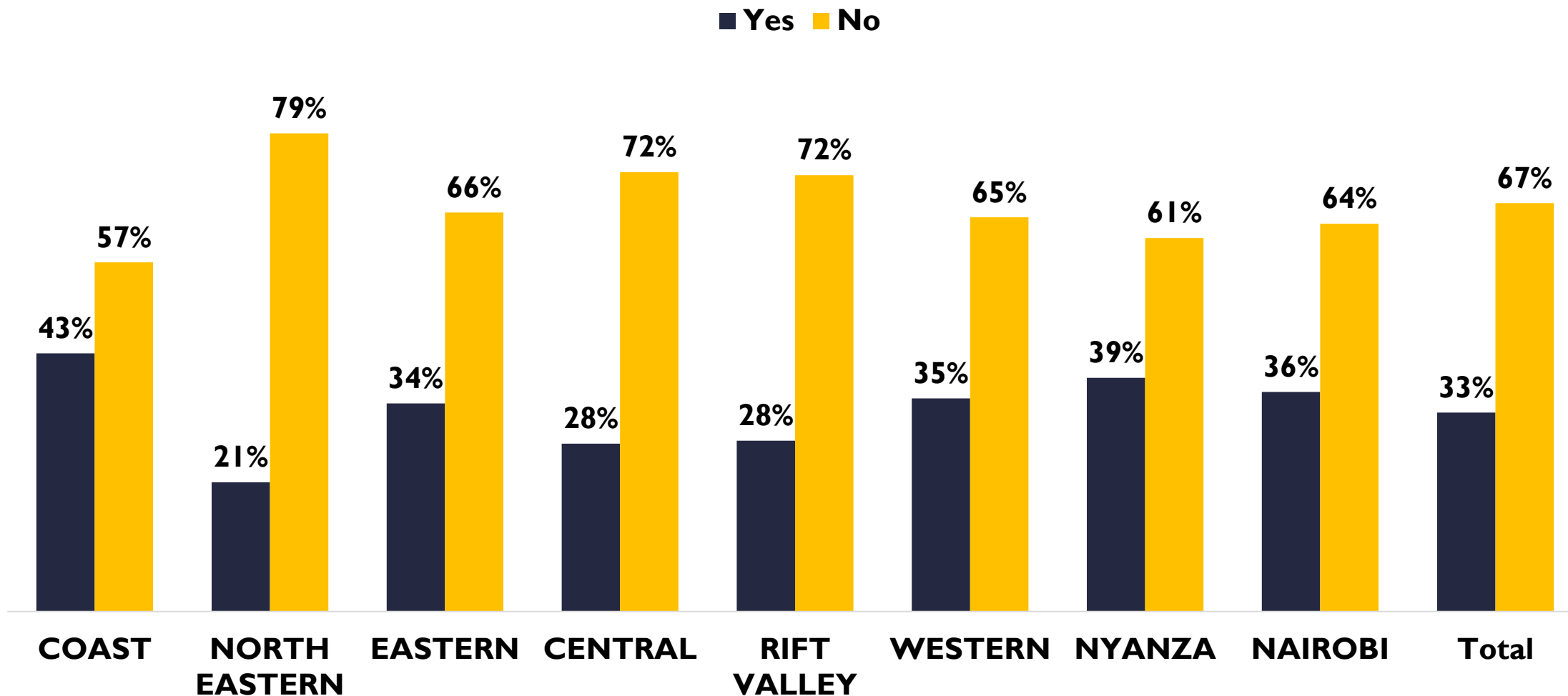
“...I have heard of it. It talks about a filing system for the personal information of a person and security. The data is secured by the data commissioner. It's establishment of protection by trying to control access to information. Not all information should be given to anyone, only privileged people with access...” - FGD Participant, Mombasa, Male, 36+ yrs

n = 1521

Have you ever heard of the Data Protection Act, 2019? i.e. the law which provides for the protection of personal data/information.



Unawareness of the Data Protection Act, 2019 is highest in North Eastern (79%), Central (72%) and Rift Valley (72%)

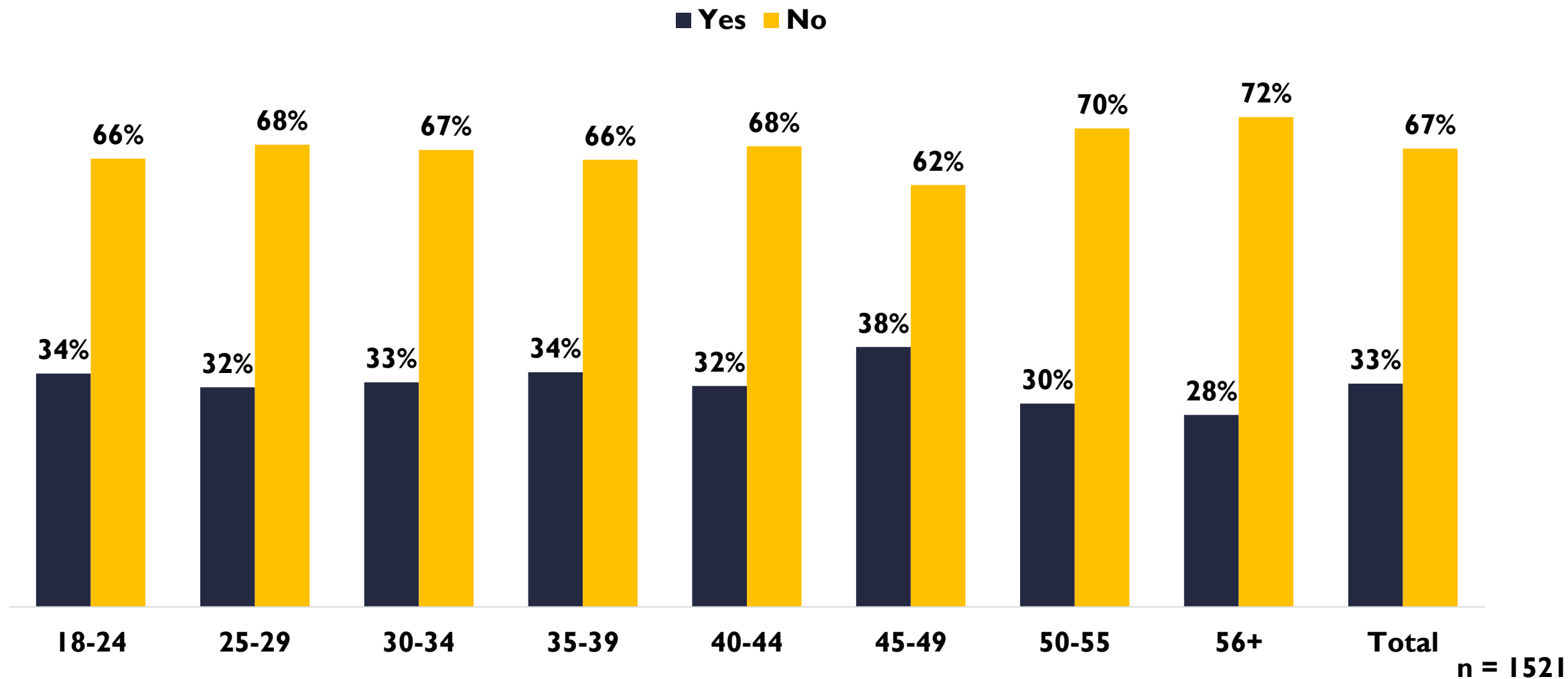


n = 1521

Have you ever heard of the Data Protection Act, 2019? i.e. the law which provides for the protection of personal data/information.



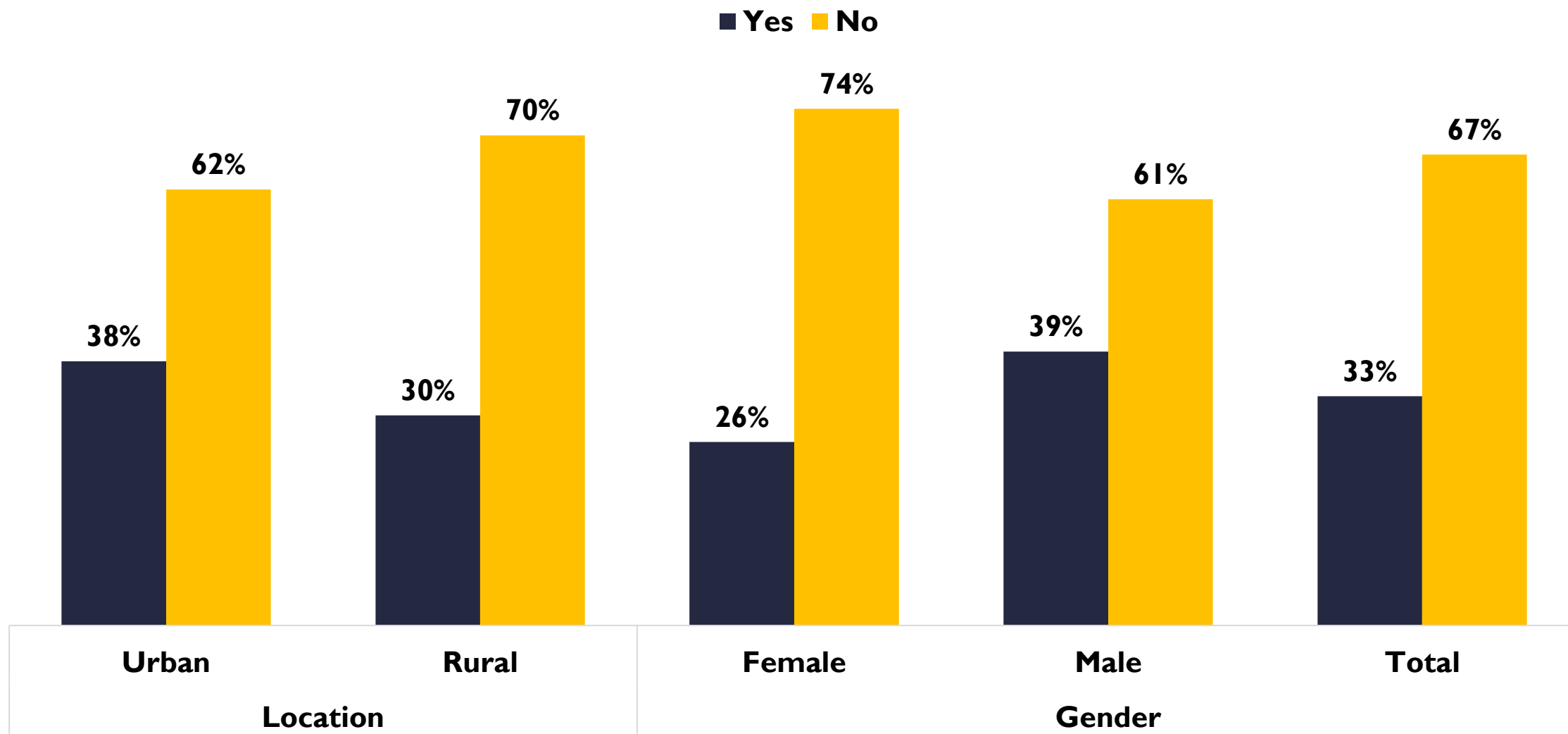
Unawareness of the Data Protection Act, 2019 is highest amongst Kenyans aged 56+ (72%) and those aged 50 – 55 (70%)



Have you ever heard of the Data Protection Act, 2019? i.e. the law which provides for the protection of personal data/information.



Unawareness of the Data Protection Act, 2019 is slightly higher in Rural areas (70%) compared to Urban areas (62%): unawareness of the Act is significantly higher among women (74%) than it is among men (61%)

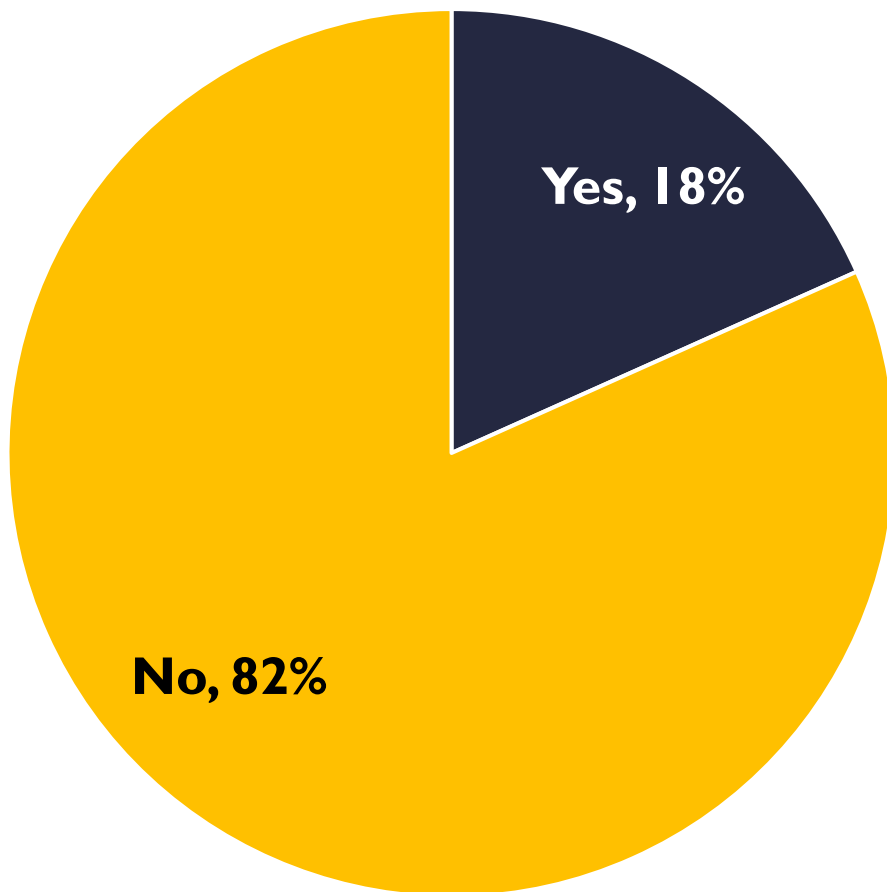


Have you ever heard of the Data Protection Act, 2019? i.e. the law which provides for the protection of personal data/information.

n = 1521



About 8 in 10 Kenyans are unaware of the establishment of the Office of the Data Commissioner



“...I am not aware...” - FGD Participant, Nakuru, Female, 36+ yrs

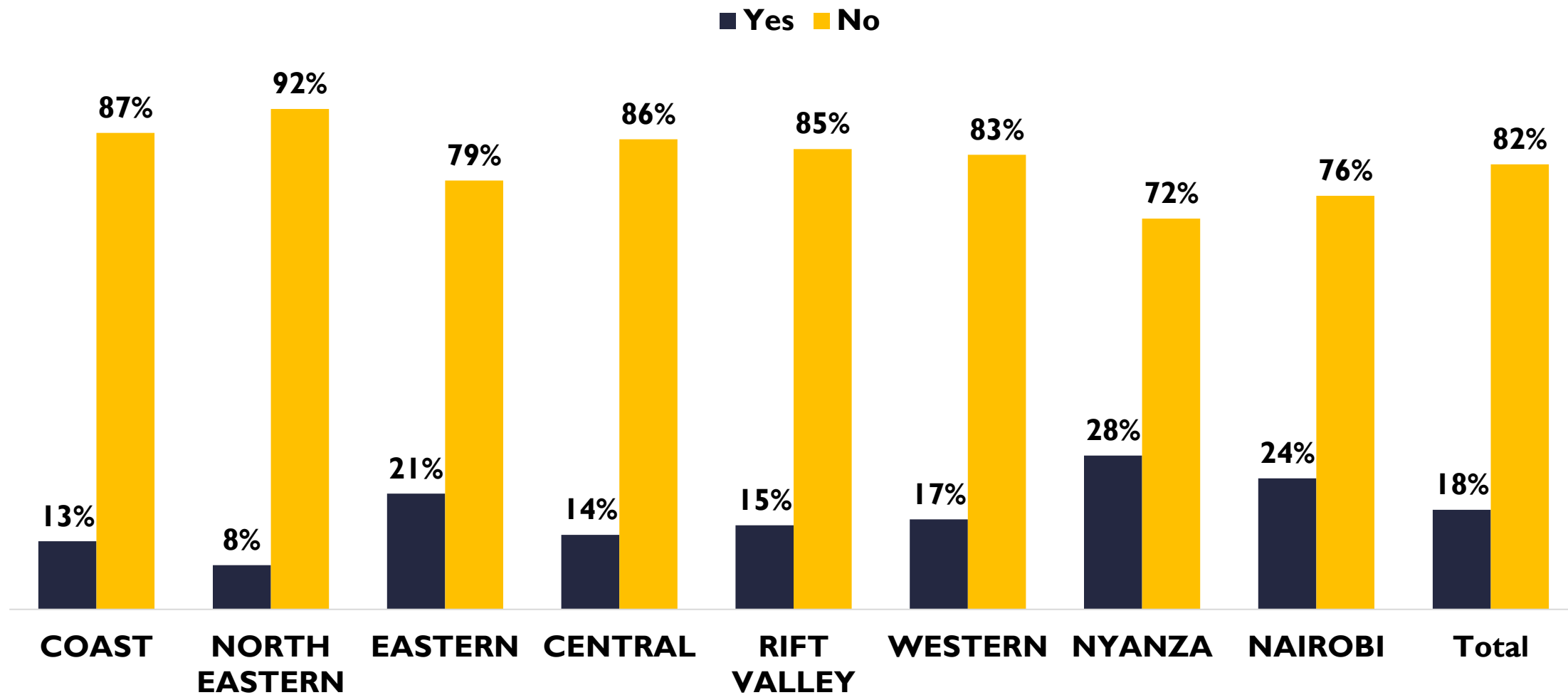
“...I know it is mentioned in the act but I am not sure it is set up yet...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

n = 1521

Are you aware of the establishment of the Office of the Data Commissioner?



9 in 10 residents in North Eastern region are unaware of the establishment of the Office of the Data Commissioner

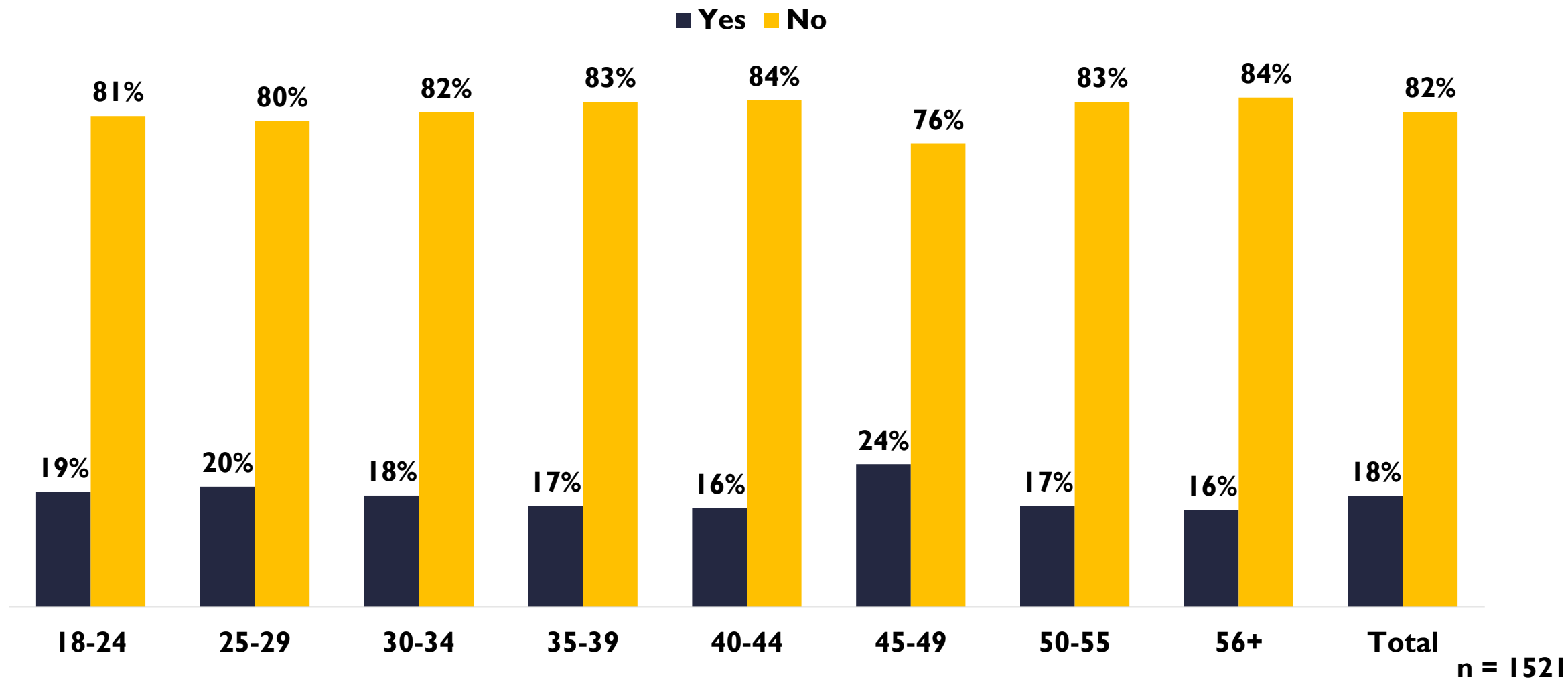


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Are you aware of the establishment of the Office of the Data Commissioner?



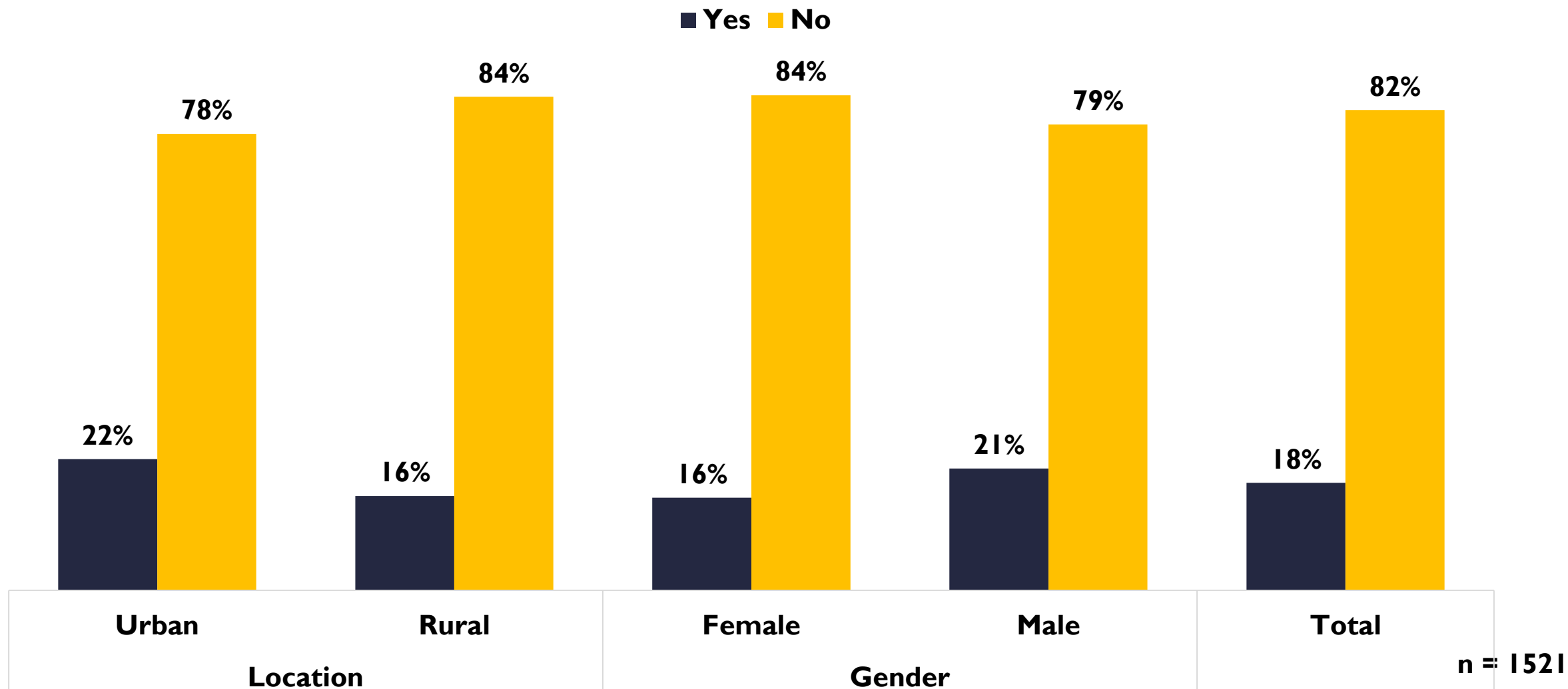
Awareness of the Establishment of the Office of the Data Commissioner's Office: By Age



Are you aware of the establishment of the Office of the Data Commissioner?



Unawareness of the establishment of the Office of the Data Commissioner is slightly higher in Rural areas (84%) compared to Urban areas (78%): unawareness of the establishment of the Office is slightly higher among women (84%) than it is among men (79%)



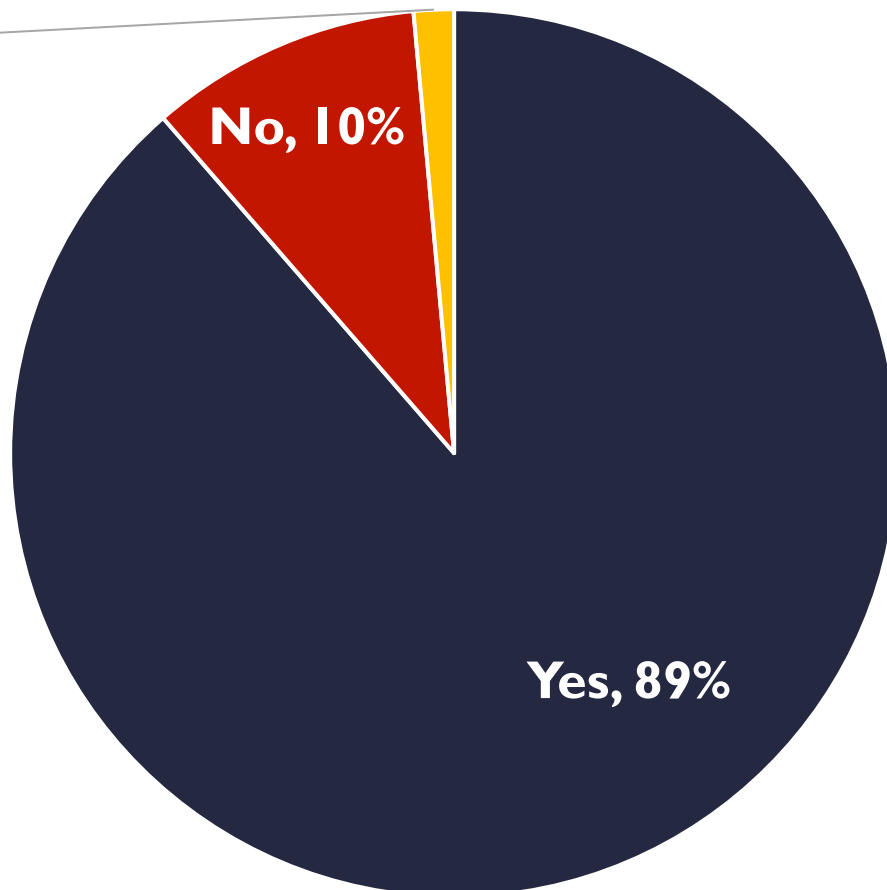
Are you aware of the establishment of the Office of the Data Commissioner?



About 9 in 10 Kenyans who are unaware about the establishment of the Office of the Data Commissioner want more information about it



Don't
know/Not
sure, 1%



"...What the data commissioner's role is? How accessible is this data commissioner..." - FGD Participant, Kisumu, Female, 36+ yrs

"...How many organizations are allowed to access my information..." - FGD Participant, Mombasa, Male, 36+ yrs

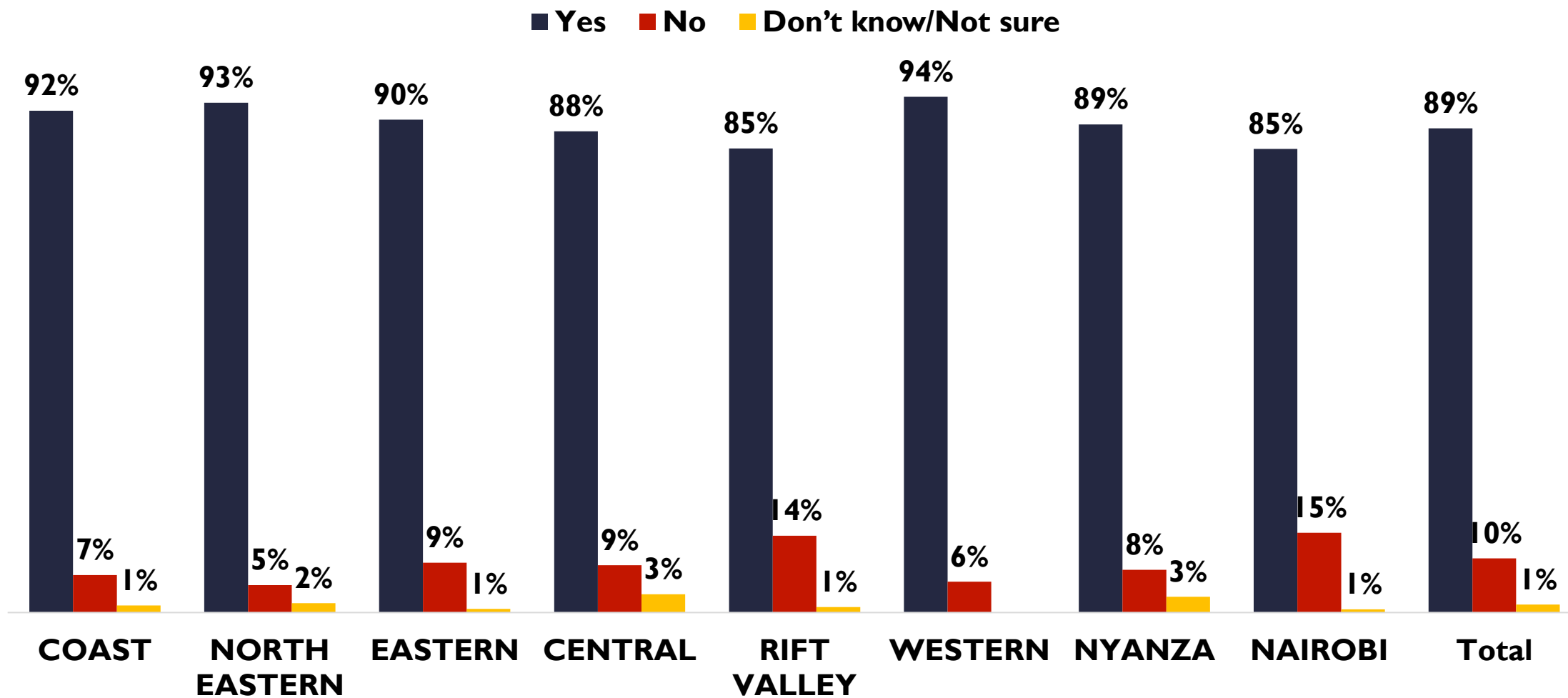
"...What activities are taking place? Because since the act became law, nothing has changed..." - FGD Participant, Nairobi, Female, 25 – 35 yrs

n = 1243, those not aware of the
office of the data commissioner

If no, would you like more information about this office?



Need For More Information About the Data Commissioner's Office: By Region

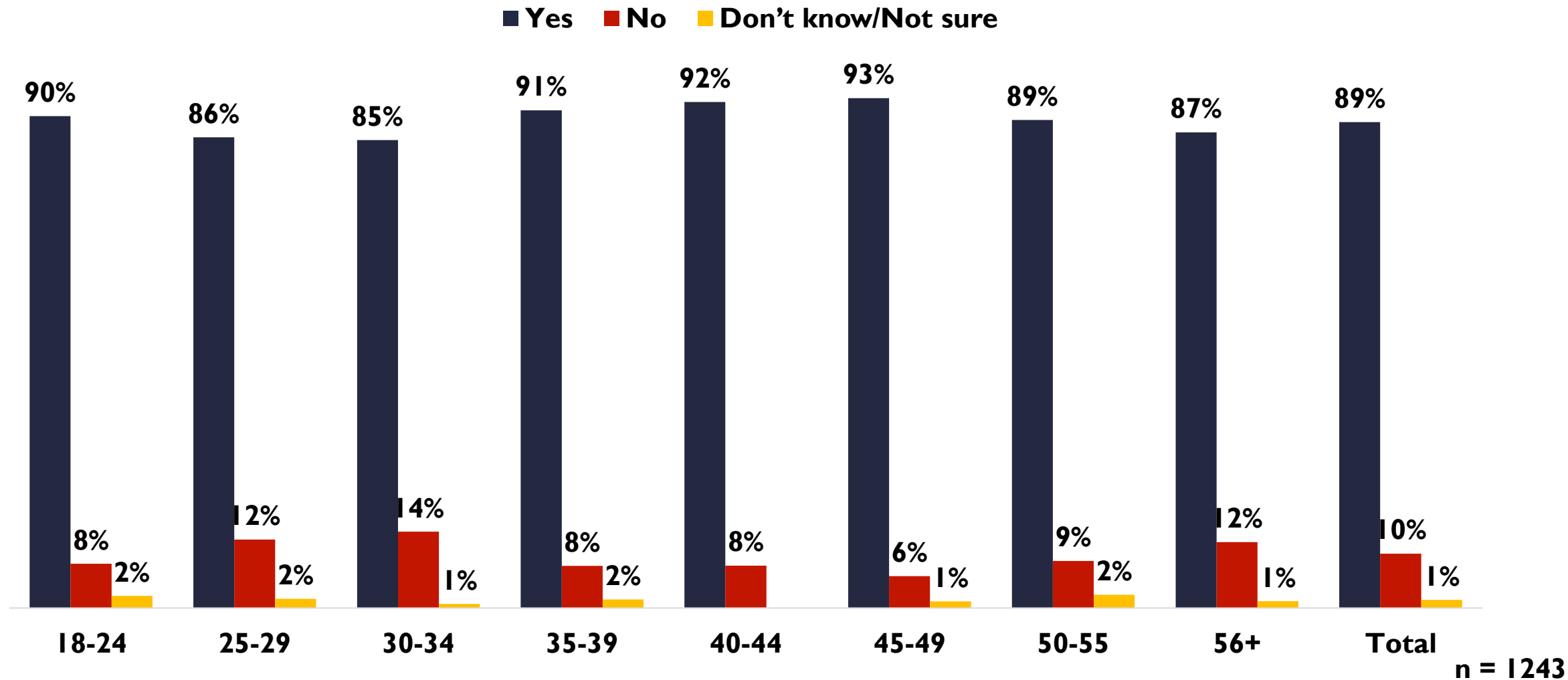


n = 1243

If no, would you like more information about this office?



Need For More Information About the Data Commissioner's Office: By Age



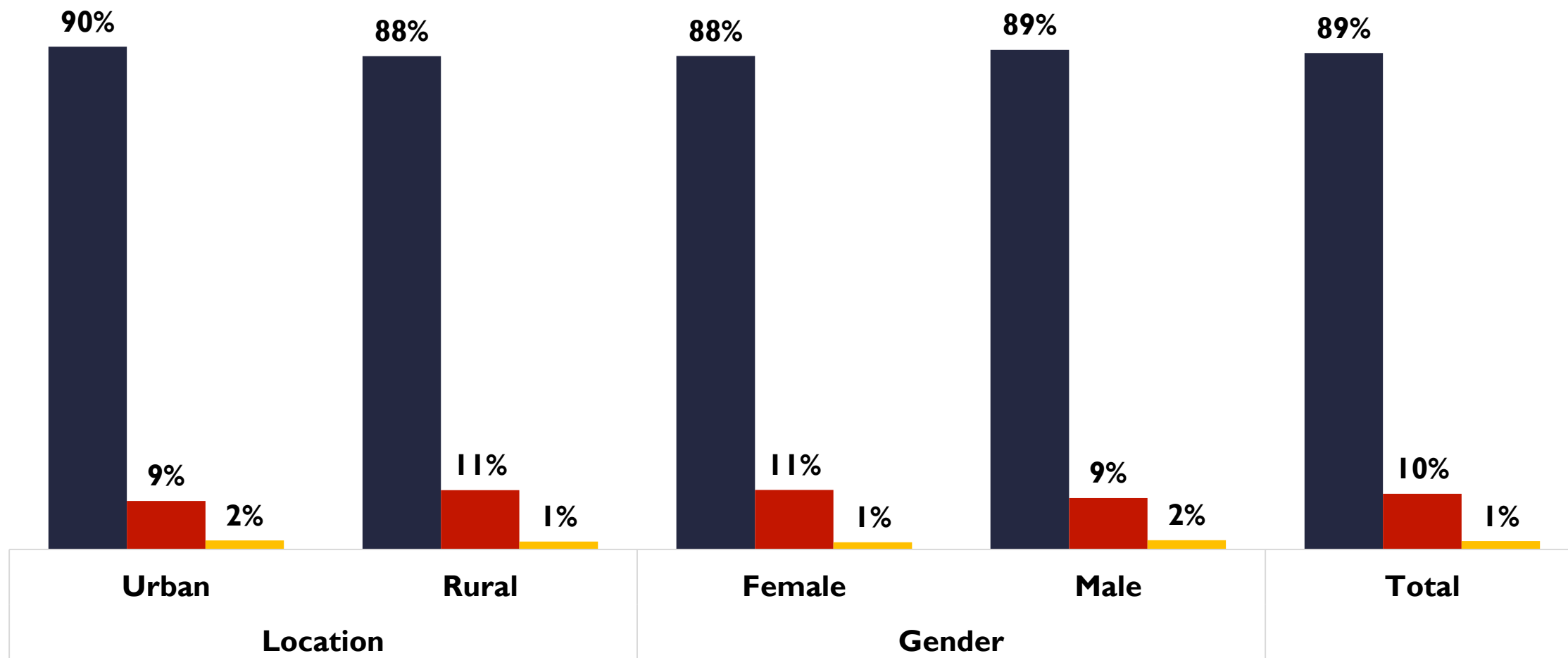
If no, would you like more information about this office?



Need For More Information About the Data Commissioner's Office: Location & Gender

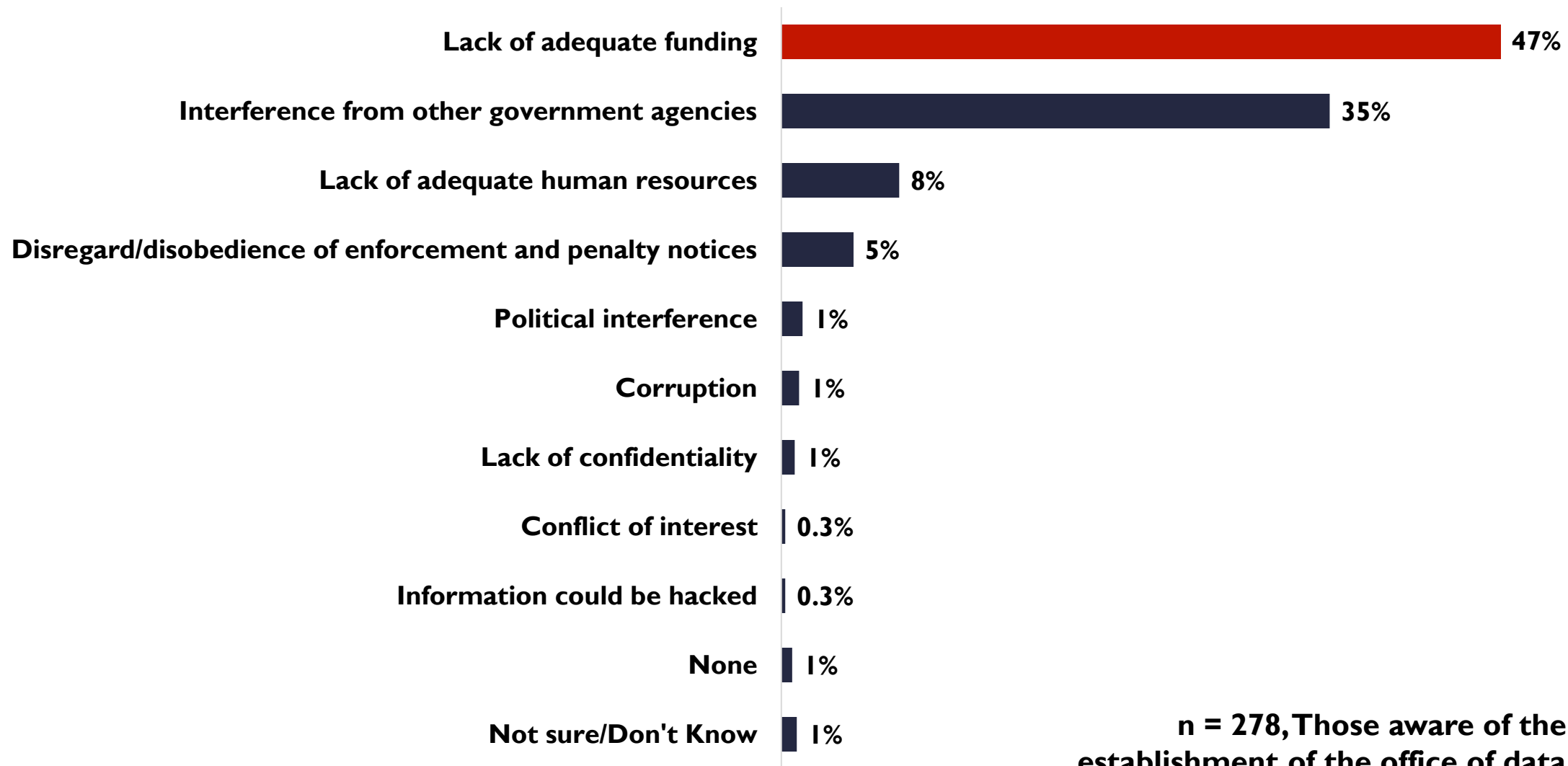


■ Yes ■ No ■ Don't know/Not sure



If no, would you like more information about this office?

n = 1243



n = 278, Those aware of the establishment of the office of data commissioner

In your view, what are the greatest threats to the newly created Office of the Data Commissioner?

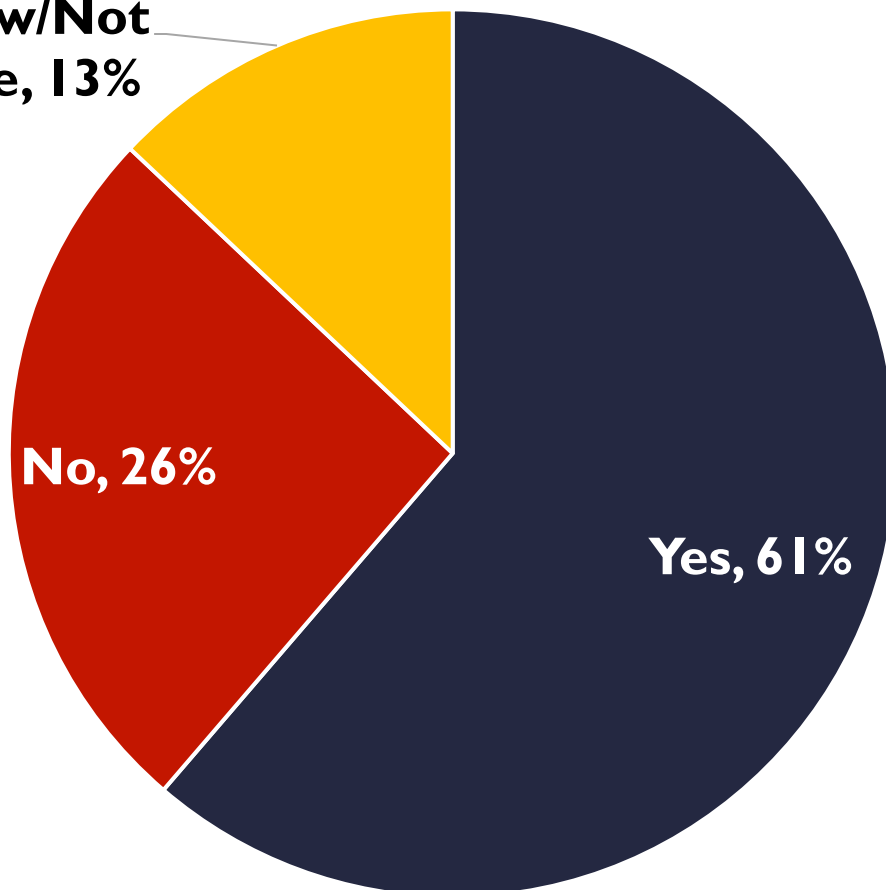
	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Lack of adequate funding	40%	51%	53%	42%	47%
Interference from other government agencies	37%	34%	27%	41%	35%
Lack of adequate human resources	6%	9%	9%	7%	8%
Disregard/disobedience of enforcement and penalty notices	7%	3%	5%	4%	5%
Political interference	3%	0.4%	2%	1%	1%
Corruption	1%	1%	1%	1%	1%
Lack of confidentiality	2%	-	-	2%	1%
Conflict of interest	-	0.5%	-	0.5%	0.3%
Information could be hacked	-	0.5%	-	0.5%	0.3%
None	1%	0.5%	1%	0.5%	1%
Not sure/Don't Know	2%	0.5%	1%	1%	1%



6 in 10 Kenyans are of the opinion that the Office of the Data Commissioner will be Independent



Don't
know/Not
sure, 13%



"...Is it really an independent office..." - FGD Participant, Mombasa, Male, 36+ yrs

Do you believe that the Office of the Data Commissioner will independently exercise its powers and functions?

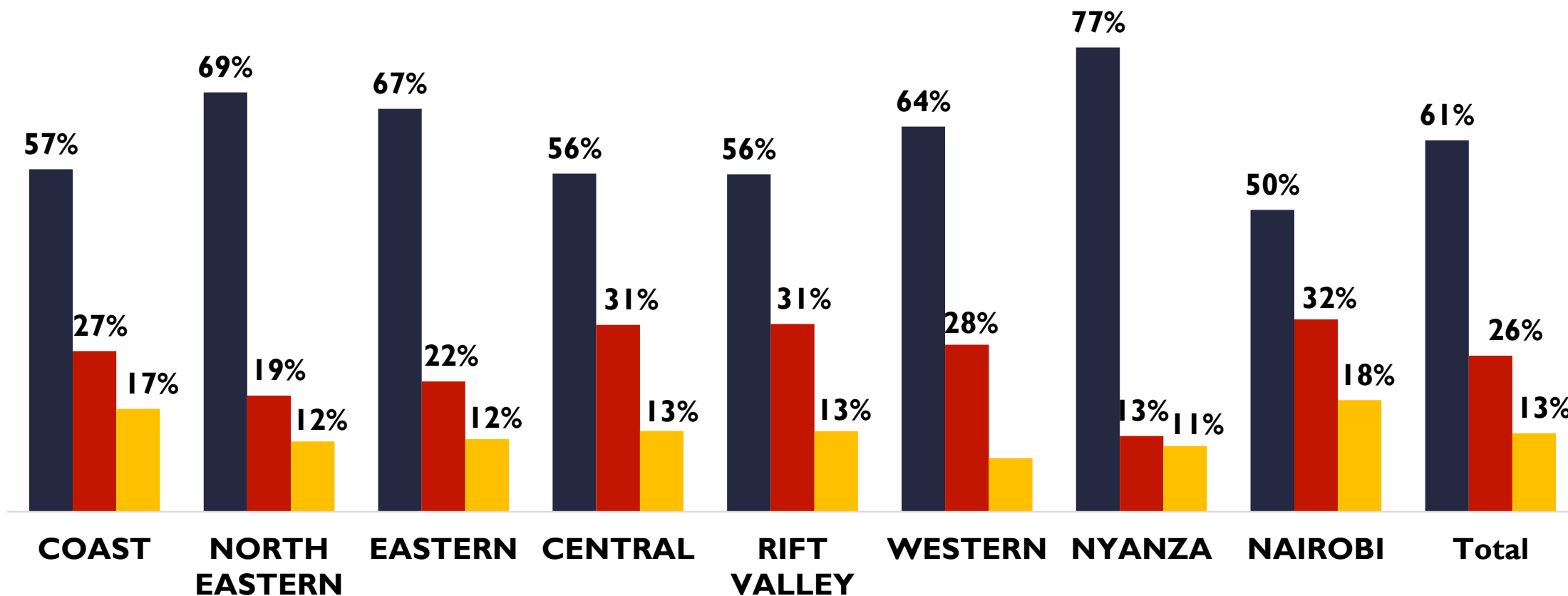
n = 1521



Perception of the Independence of the Office of the Data Commissioner: By Region



■ Yes ■ No ■ Don't know/Not sure



Do you believe that the Office of the Data Commissioner will independently exercise its powers and functions?

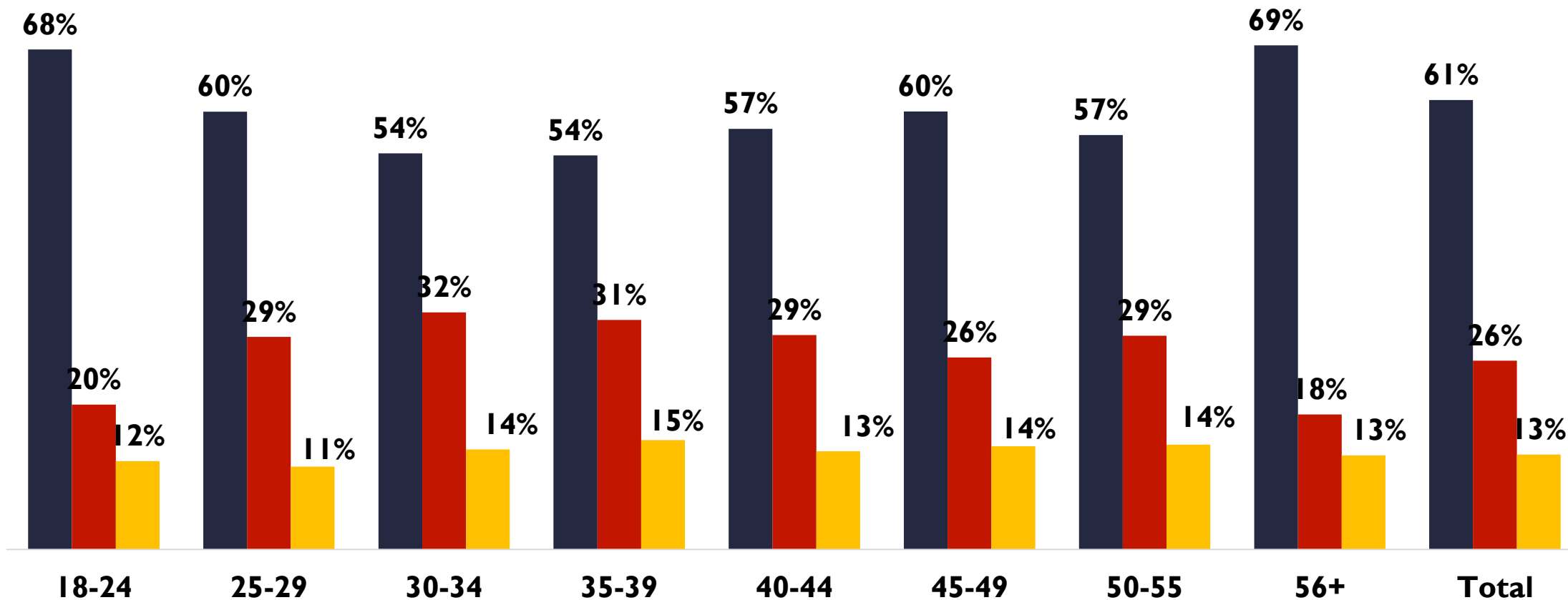
n = 1521



Perception of the Independence of the Office of the Data Commissioner: By Age



■ Yes ■ No ■ Don't know/Not sure



Do you believe that the Office of the Data Commissioner will independently exercise its powers and functions?

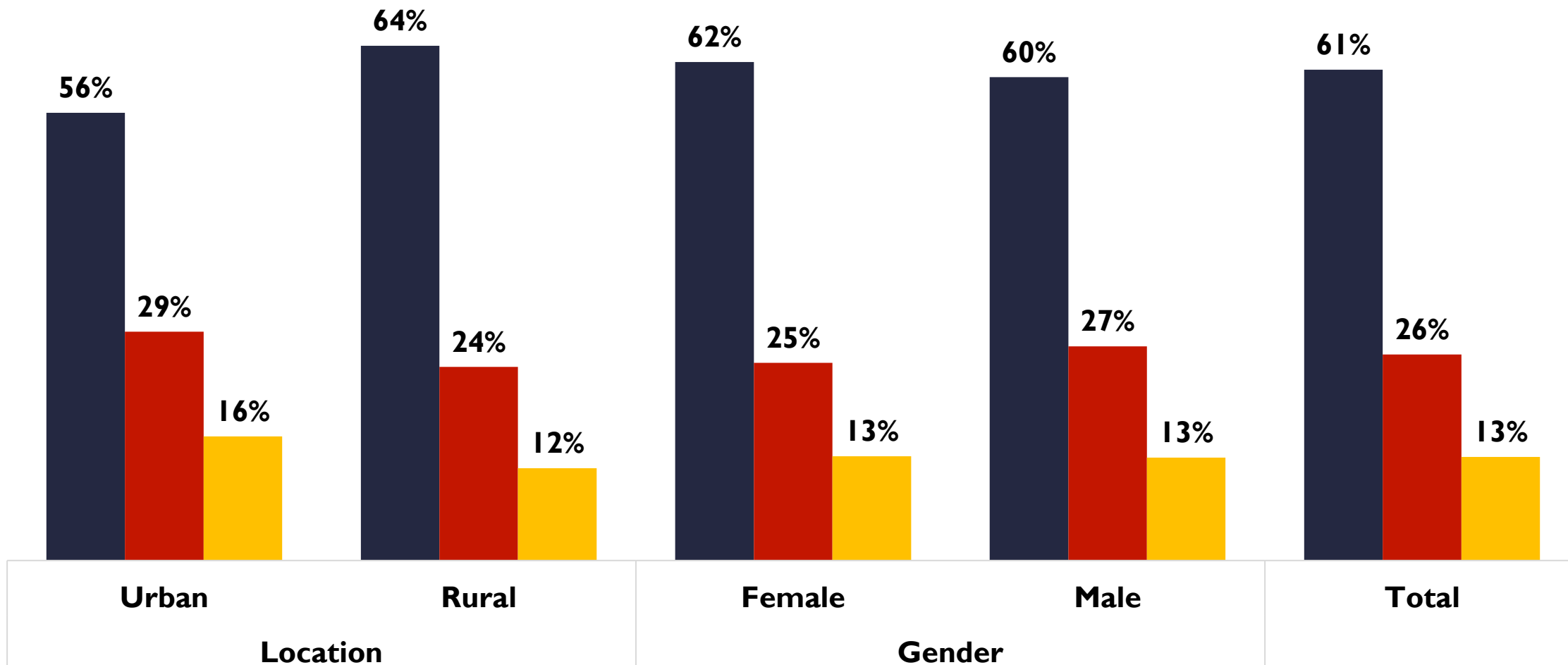
n = 1521



Perception of the Independence of the Office of the Data Commissioner: By Location & Gender



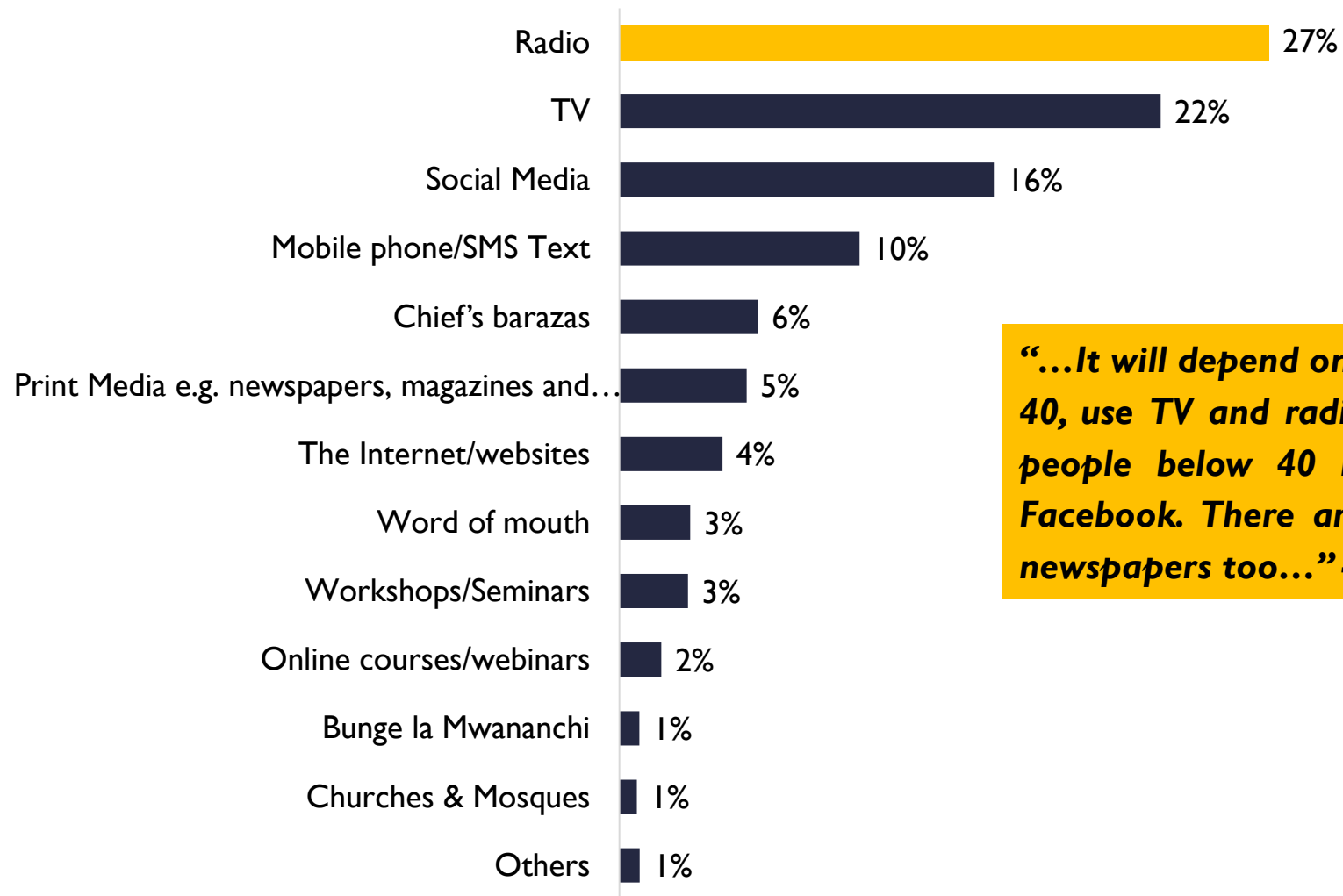
■ Yes ■ No ■ Don't know/Not sure



Do you believe that the Office of the Data Commissioner will independently exercise its powers and functions?

n = 1521

Radio (27%) and TV (22%) are viewed as the best platforms through which to educate citizens about data protection



“...It will depend on the demographic; for people above the age of 40, use TV and radio because most of them are active there, for people below 40 maybe Social Media especially Twitter and Facebook. There are groups and pages that go into detail. And newspapers too...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Radio	25%	32%	29%	25%	28%	27%	25%	24%	27%
TV	26%	19%	25%	24%	21%	22%	20%	25%	22%
Social Media	12%	19%	15%	19%	14%	11%	13%	24%	16%
Mobile phone/SMS Text	10%	6%	10%	8%	8%	13%	18%	6%	10%
Chief’s barazas	8%	6%	5%	4%	7%	6%	9%	2%	6%
Print Media e.g. newspapers, magazines and journals	4%	6%	3%	7%	6%	5%	4%	6%	5%
The Internet/websites	4%	5%	4%	5%	4%	3%	4%	6%	4%
Word of mouth	5%	2%	4%	1%	4%	3%	3%	1%	3%
Workshops/Seminars	3%	1%	1%	1%	5%	6%	2%	2%	3%
Online courses/webinars	2%	-	1%	3%	2%	1%	0.2%	3%	2%
Bunge la Mwananchi	0.3%	3%	1%	1%	1%	1%	1%	-	1%
Churches & Mosques	1%	-	3%	0.2%	0.4%	2%	-	0.3%	1%
Others	1%	1%	1%	1%	1%	1%	1%	0.2%	1%

Which information platforms/sources do you think would be the best to educate you on data protection?

n = 1521

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Radio	25%	26%	29%	28%	28%	26%	32%	26%	27%
TV	22%	22%	22%	23%	25%	22%	24%	21%	22%
Social Media	19%	20%	16%	14%	14%	13%	10%	9%	16%
Mobile phone/SMS Text	13%	9%	8%	8%	7%	9%	6%	15%	10%
Chief's barazas	4%	4%	5%	6%	7%	8%	8%	9%	6%
Print Media e.g. newspapers, magazines and journals	5%	5%	5%	5%	6%	7%	5%	6%	5%
The Internet/websites	4%	5%	6%	6%	3%	4%	3%	3%	4%
Word of mouth	3%	2%	3%	3%	3%	4%	3%	4%	3%
Workshops/Seminars	2%	3%	3%	3%	2%	2%	6%	4%	3%
Online courses/webinars	3%	2%	2%	2%	1%	1%	1%	1%	2%
Bunge la Mwananchi	0.3%	2%	1%	1%	1%	0.4%	1%	1%	1%
Churches & Mosques	1%	1%	0.2%	1%	1%	0.4%	2%	1%	1%
Others	-	1%	1%	1%	1%	3%	1%	1%	1%

Which information platforms/sources do you think would be the best to educate you on data protection?

n = 1521

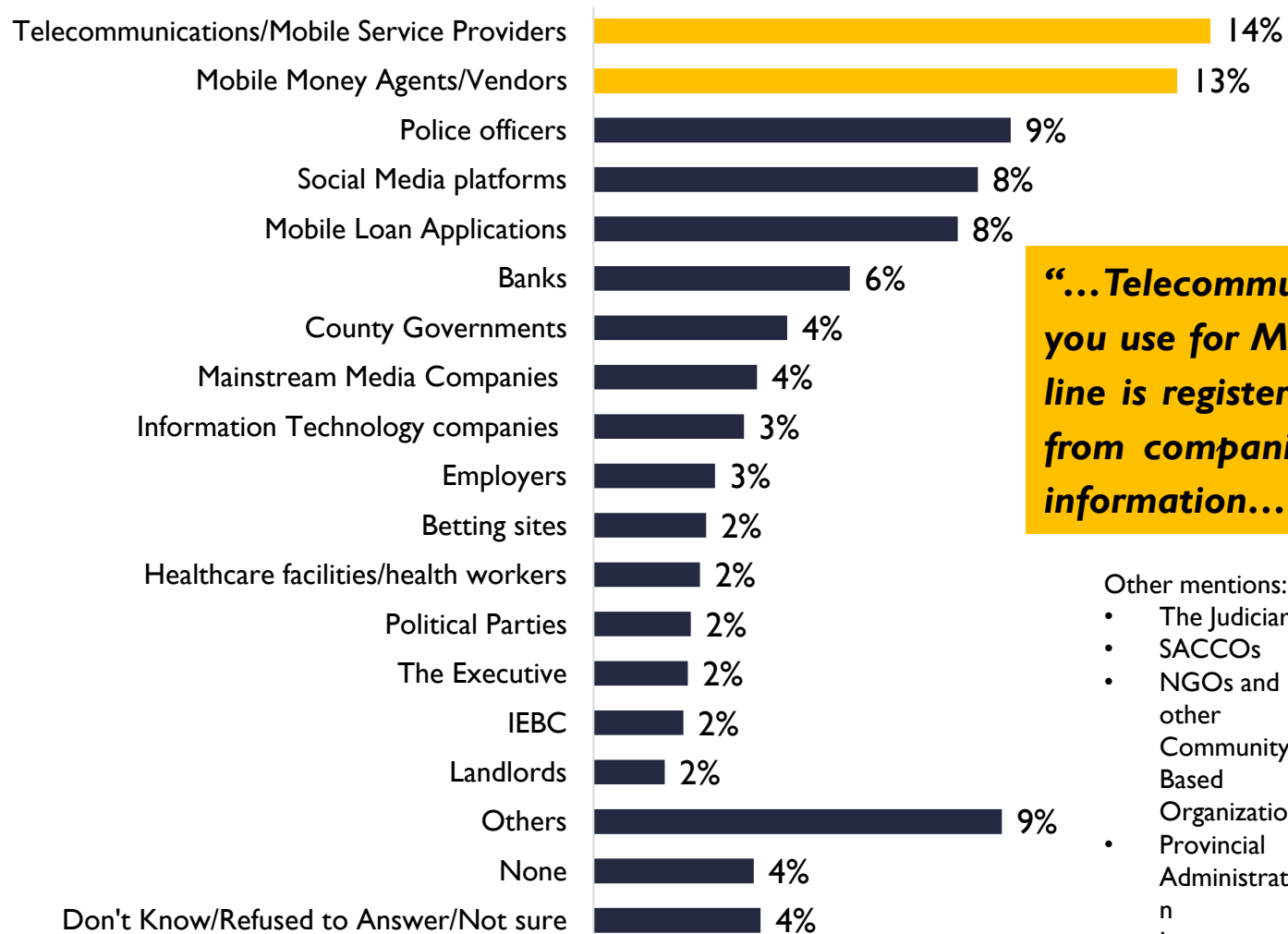
Perception on the Best Platforms to Educate Citizens about Data Protection: By Location & Gender

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Radio	24%	28%	26%	28%	27%
TV	23%	22%	22%	23%	22%
Social Media	20%	13%	15%	16%	16%
Mobile phone/SMS Text	9%	10%	11%	9%	10%
Chief's barazas	4%	7%	5%	6%	6%
Print Media e.g. newspapers, magazines and journals	7%	4%	4%	7%	5%
The Internet/websites	6%	3%	5%	4%	4%
Word of mouth	2%	4%	4%	2%	3%
Workshops/Seminars	2%	3%	4%	2%	3%
Online courses/webinars	2%	2%	2%	1%	2%
Bunge la Mwananchi	1%	1%	1%	1%	1%
Churches & Mosques	0.2%	1%	1%	1%	1%
Others	1%	1%	1%	1%	1%

Which information platforms/sources do you think would be the best to educate you on data protection?

n = 1521

Telecommunications Companies and Mobile Money Agents are seen as the greatest violators of data privacy



“...Telecommunications companies. For example, the information you use for MPESA should not be shared and you wonder how your line is registered more than once. Then you get so many messages from companies you haven’t engaged with. How do they get this information...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

Other mentions:

- The Judiciary
- SACCOs
- NGOs and other Community Based Organizations
- Provincial Administration
- Insurance

“...The Police. In Mombasa every learning institution is thought to have drugs. They forcefully go into them and search without warrants...” - FGD Participant, Mombasa, Male, 36+ yrs

In your view, which institutions/organisations/companies/individuals violate data privacy rights the most in Kenya?

n = 1521

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Telecommunications/Mobile Service Providers	10%	22%	8%	12%	18%	16%	8%	19%	14%
MPESA Agents/Vendors	15%	29%	15%	10%	13%	10%	12%	11%	13%
Police officers	10%	4%	10%	7%	6%	10%	17%	6%	9%
Social Media platforms	14%	4%	8%	16%	7%	5%	4%	9%	8%
Mobile loan applications	10%	6%	7%	10%	12%	4%	1%	11%	8%
Banks	8%	2%	7%	4%	5%	5%	7%	4%	6%
County Governments	3%	1%	6%	3%	3%	2%	7%	5%	4%
Mainstream Media Companies	5%	1%	2%	4%	4%	2%	4%	6%	4%
Information Technology Companies	2%	5%	5%	4%	3%	2%	3%	3%	3%
Employers	3%	2%	2%	3%	2%	5%	3%	2%	3%
Betting sites	1%	1%	1%	3%	3%	4%	2%	3%	2%
Healthcare facilities/health workers	4%	1%	3%	1%	1%	6%	3%	1%	2%
Political Parties	1%	-	2%	2%	1%	2%	6%	0%	2%
The Executive	2%	1%	2%	2%	1%	2%	4%	1%	2%
IEBC	-	1%	1%	2%	4%	1%	1%	3%	2%
Landlords	1%	-	3%	4%	0%	1%	1%	1%	2%
Others	6%	7%	12%	8%	6%	9%	14%	9%	9%
None	2%	8%	2%	3%	5%	8%	1%	4%	4%
Don't Know/Refused to Answer/Not sure	4%	5%	3%	2%	5%	6%	2%	3%	4%

In your view, which institutions/organisations/companies/individuals violate data privacy rights the most in Kenya?

n = 1521

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Telecommunications/Mobile Service Providers	11%	14%	14%	15%	19%	16%	15%	12%	14%
MPESA Agents/Vendors	19%	10%	12%	8%	12%	10%	14%	10%	13%
Police officers	7%	10%	8%	11%	8%	11%	7%	14%	9%
Social Media platforms	8%	9%	9%	11%	7%	12%	9%	4%	8%
Mobile loan applications	9%	8%	6%	8%	9%	10%	8%	5%	8%
Banks	7%	5%	5%	5%	3%	7%	5%	6%	6%
County Governments	3%	5%	5%	6%	5%	4%	5%	3%	4%
Mainstream Media Companies	5%	4%	4%	2%	2%	3%	4%	3%	4%
Information Technology Companies	2%	4%	5%	4%	4%	2%	2%	3%	3%
Employers	3%	2%	3%	4%	2%	3%	3%	2%	3%
Betting sites	3%	1%	3%	2%	3%	0%	1%	3%	2%
Healthcare facilities/health workers	2%	3%	2%	3%	2%	2%	4%	2%	2%
Political Parties	1%	2%	1%	1%	3%	3%	5%	4%	2%
The Executive	3%	2%	1%	1%	1%	3%	2%	3%	2%
IEBC	2%	2%	2%	2%	2%	2%	1%	1%	2%
Landlords	2%	1%	1%	1%	2%	1%	1%	3%	2%
Others	8%	11%	10%	8%	8%	9%	9%	10%	9%
None	3%	5%	5%	3%	3%	1%	2%	4%	4%
Don't Know/Refused to Answer/Not sure	2%	3%	5%	4%	3%	3%	2%	8%	4%

In your view, which institutions/organisations/companies/individuals violate data privacy rights the most in Kenya?

n = 1521

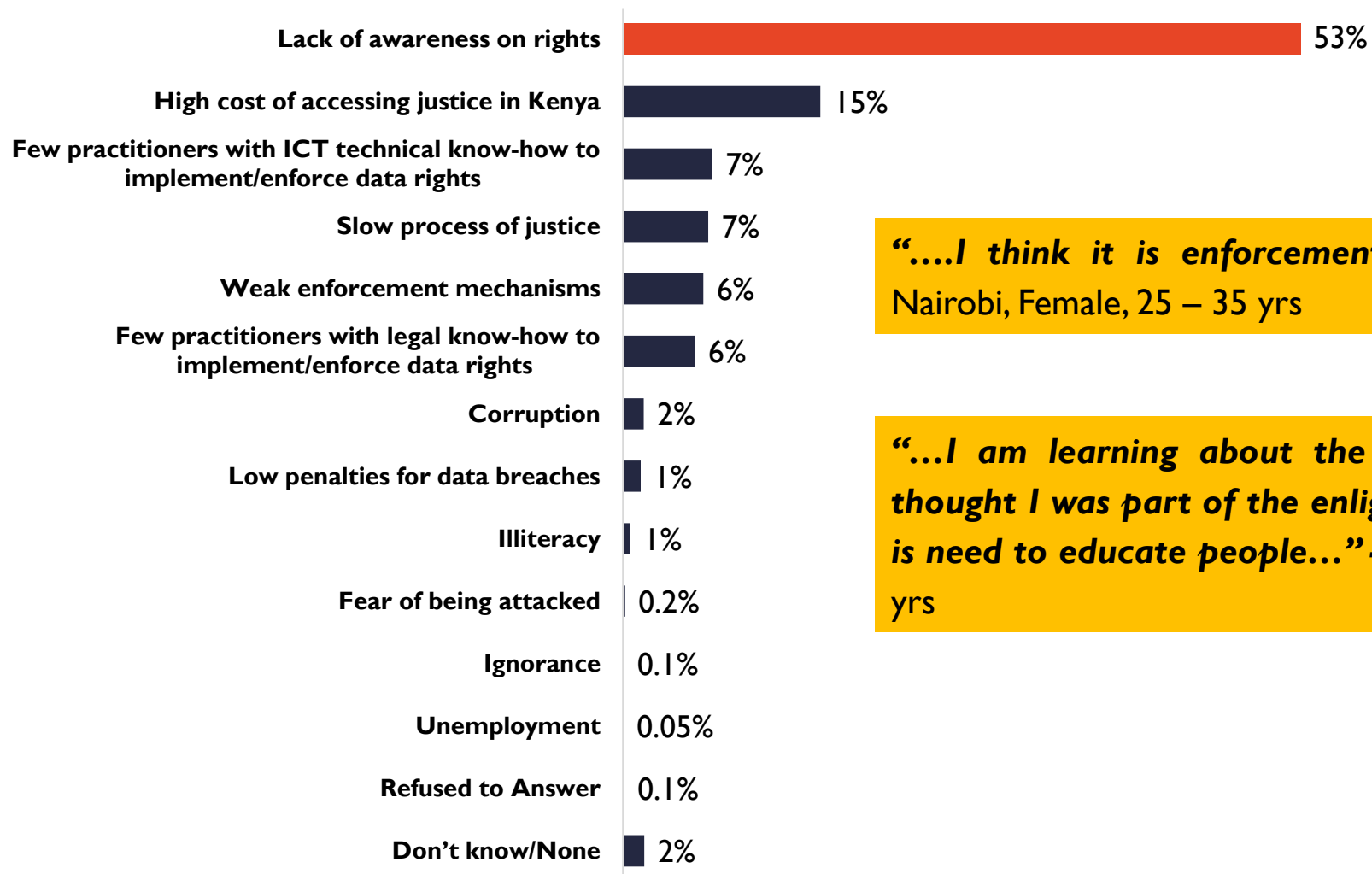
	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Telecommunications/Mobile Service Providers					
MPESA Agents/Vendors	15%	13%	15%	13%	14%
Police officers	12%	13%	14%	11%	13%
Social Media platforms	9%	9%	8%	10%	9%
Mobile loan applications	11%	7%	9%	8%	8%
Banks	8%	8%	6%	10%	8%
County Governments	5%	6%	5%	6%	6%
Mainstream Media Companies	4%	4%	4%	4%	4%
Information Technology Companies	3%	4%	4%	3%	4%
Employers	5%	3%	2%	4%	3%
Betting sites	3%	3%	2%	3%	3%
Healthcare facilities/health workers	3%	2%	2%	3%	2%
Political Parties	2%	3%	3%	2%	2%
The Executive	1%	3%	1%	3%	2%
IEBC	3%	2%	2%	2%	2%
Landlords	2%	2%	2%	2%	2%
Others	1%	2%	2%	1%	2%
None	9%	9%	9%	8%	9%
Don't Know/Refused to Answer/Not sure	2%	4%	4%	3%	4%
Telecommunications/Mobile Service Providers	3%	4%	4%	4%	4%

In your view, which institutions/organisations/companies/individuals violate data privacy rights the most in Kenya?

n = 1521



Lack of awareness on rights is believed to be the greatest barrier to the enjoyment of data privacy rights in the county as evidenced by 53% of Kenyans who are of that opinion



“...I think it is enforcement of the law...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

“...I am learning about the data privacy act here now, yet I thought I was part of the enlightened people in the society. There is need to educate people...” - FGD Participant, Kisumu, Female, 36+ yrs

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Lack of awareness on rights	59%	60%	54%	51%	50%	55%	52%	54%	53%
High cost of accessing justice in Kenya	13%	18%	16%	14%	14%	20%	18%	12%	15%
Few practitioners with ICT technical know-how to implement/enforce data rights	7%	5%	2%	10%	9%	7%	6%	8%	7%
Slow process of justice	8%	4%	9%	6%	5%	7%	7%	8%	7%
Weak enforcement mechanisms	4%	4%	5%	4%	8%	5%	10%	5%	6%
Few practitioners with legal know-how to implement/enforce data rights	3%	-	9%	8%	7%	1%	3%	5%	6%
Corruption	2%	4%	1%	1%	2%	5%	1%	0.4%	2%
Low penalties for data breaches	-	-	4%	-	1%	-	2%	2%	1%
Illiteracy	2%	-	-	3%	-	-	-	-	1%
Fear of being attacked	-	-	-	0.3%	0.2%	-	-	1%	0.2%
Ignorance	-	1%	-	-	-	-	-	0.4%	0.1%
Unemployment	-	-	-	-	-	-	0.3%	-	0.05%
Refused to Answer	1%	-	-	-	0.2%	-	-	-	0.1%
Don't know/None	2%	4%	-	1%	3%	1%	2%	3%	2%

In your opinion, what are the greatest barriers to enjoyment of data privacy rights in Kenya?

n = 1521

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Lack of awareness on rights	52%	51%	50%	61%	54%	61%	55%	49%	53%
High cost of accessing justice in Kenya	17%	14%	15%	14%	15%	14%	13%	17%	15%
Few practitioners with ICT technical know-how to implement/enforce data rights	7%	9%	10%	5%	5%	8%	3%	7%	7%
Slow process of justice	6%	6%	9%	8%	7%	6%	8%	5%	7%
Weak enforcement mechanisms	2%	10%	5%	5%	7%	4%	11%	10%	6%
Few practitioners with legal know-how to implement/enforce data rights	8%	3%	6%	4%	5%	3%	4%	7%	6%
Corruption	2%	2%	1%	1%	2%	2%	2%	1%	2%
Low penalties for data breaches	2%	2%	1%	0.5%	1%	-	2%	1%	1%
Illiteracy	2%	-	-	-	-	-	-	1%	1%
Fear of being attacked	-	1%	0.3%	0.5%	-	-	-	-	0.2%
Ignorance	-	0.3%	0.3%	-	-	-	-	-	0.1%
Unemployment	-	-	-	-	1%	-	-	-	0.05%
Refused to Answer	-	-	-	0.5%	1%	-	-	-	0.1%
Don't know/None	1%	2%	2%	1%	3%	2%	2%	2%	2%

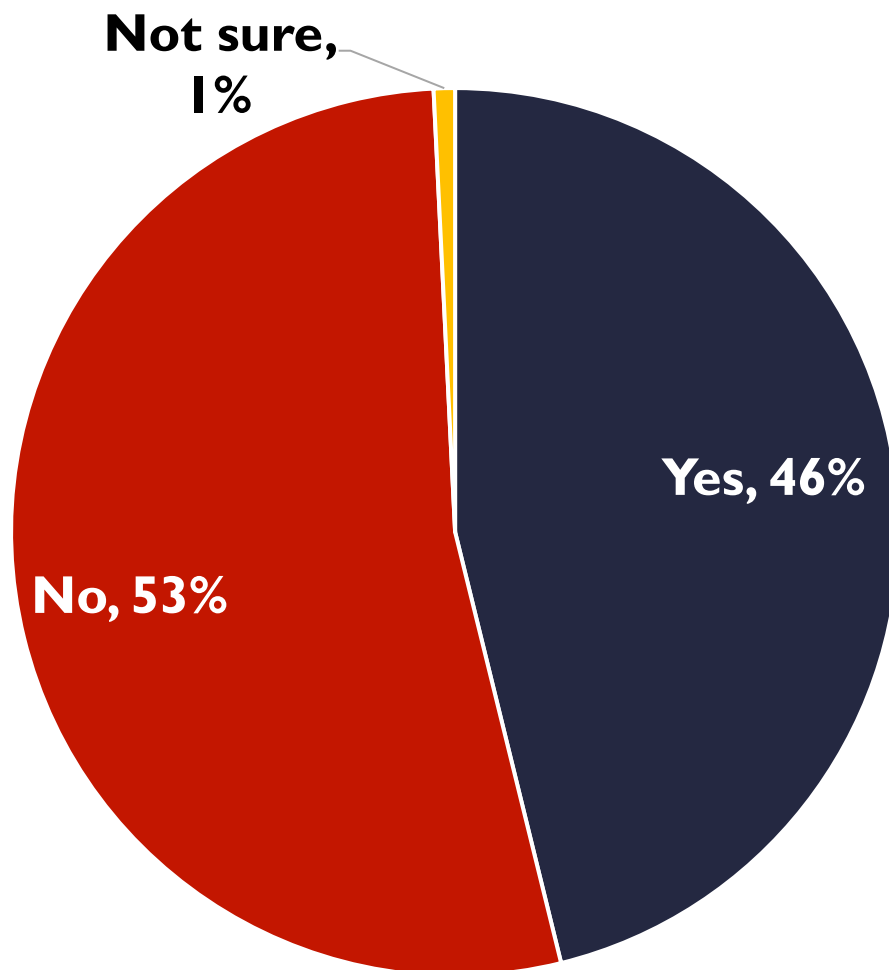
In your opinion, what are the greatest barriers to enjoyment of data privacy rights in Kenya?

n = 1521

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Lack of awareness on rights	53%	53%	57%	49%	53%
High cost of accessing justice in Kenya	14%	17%	12%	19%	15%
Few practitioners with ICT technical know-how to implement/enforce data rights	9%	6%	6%	8%	7%
Slow process of justice	7%	7%	8%	6%	7%
Weak enforcement mechanisms	6%	7%	6%	7%	6%
Few practitioners with legal know-how to implement/enforce data rights	6%	5%	5%	6%	6%
Corruption	1%	2%	1%	2%	2%
Low penalties for data breaches	2%	1%	2%	1%	1%
Illiteracy	0.4%	1%	0.3%	1%	1%
Fear of being attacked	0.2%	0.1%	0.2%	0.1%	0.2%
Ignorance	0.2%	-	-	0.1%	0.1%
Unemployment	-	0.1%	0.1%	-	0.05%
Refused to Answer	0.2%	0.1%	0.2%	-	0.1%
Don't know/None	2%	2%	2%	1%	2%

In your opinion, what are the greatest barriers to enjoyment of data privacy rights in Kenya?

n = 1521



“...I don't know...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

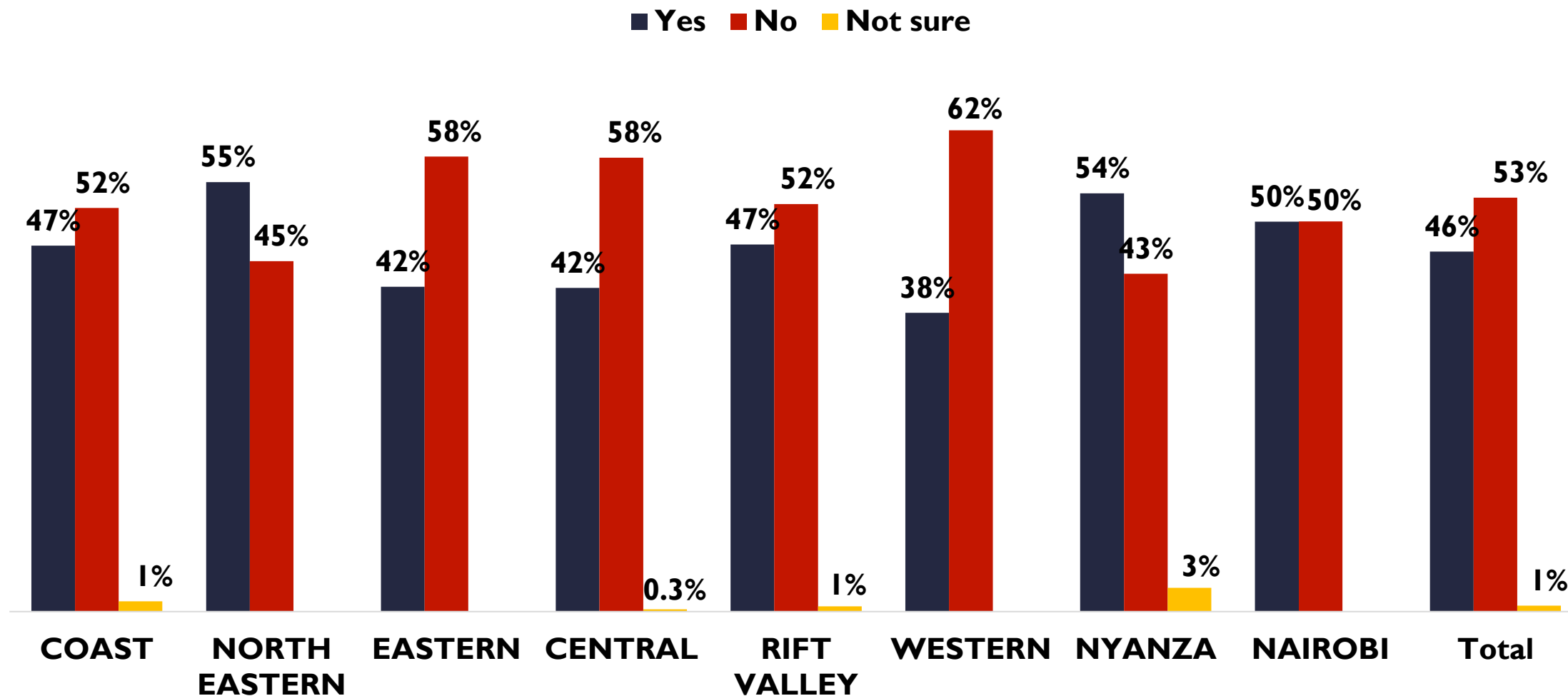
“....No....” - FGD Participant, Kisumu, Female, 36+ yrs

Do you know where to report a data privacy breach/violation?

n = 1521



About 6 in 10 residents from Western, Central and Eastern regions are unaware of where to report a data privacy breach/violation

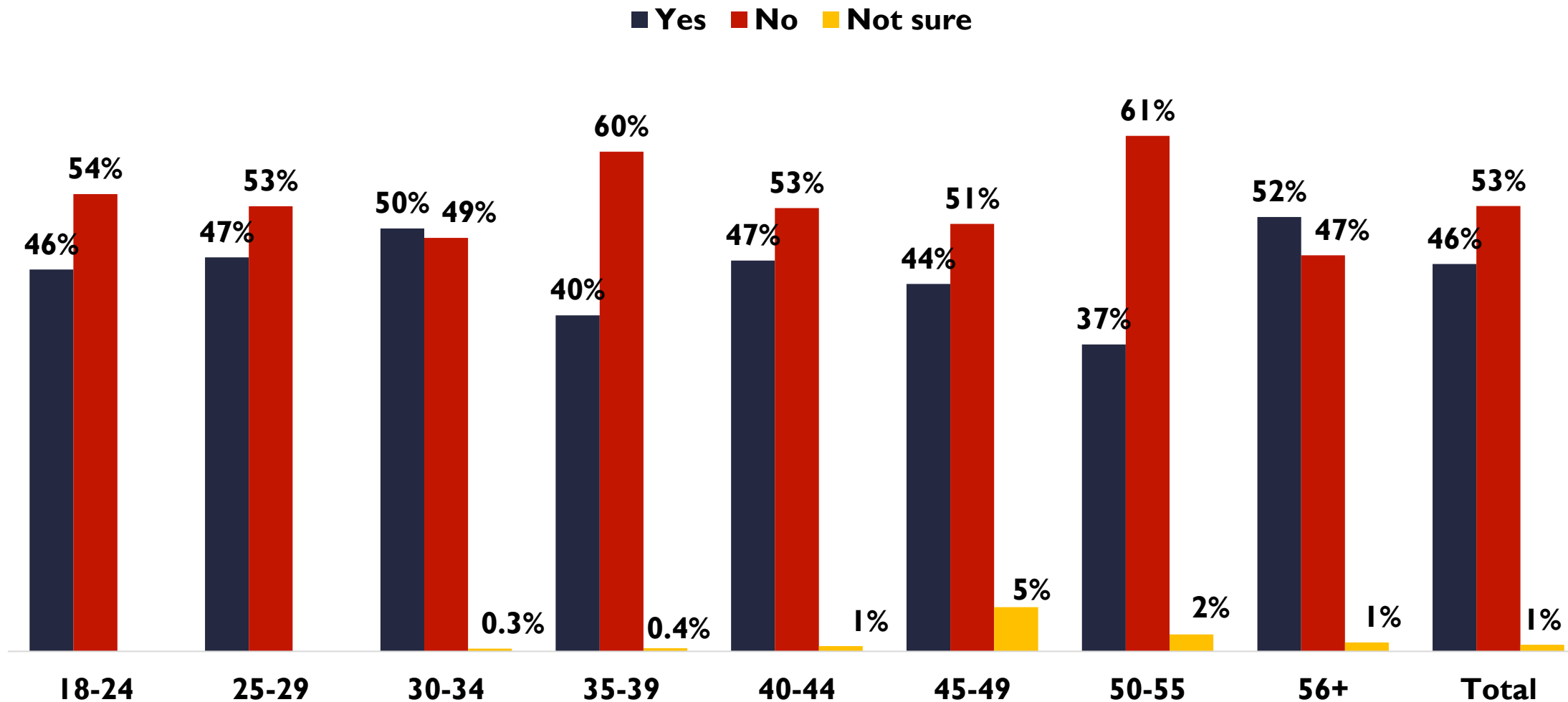


Do you know where to report a data privacy breach/violation?

n = 1521



About 6 in 10 Kenyans aged 35 – 39 and 50 – 55 are unaware of where to report a data privacy breach/violation

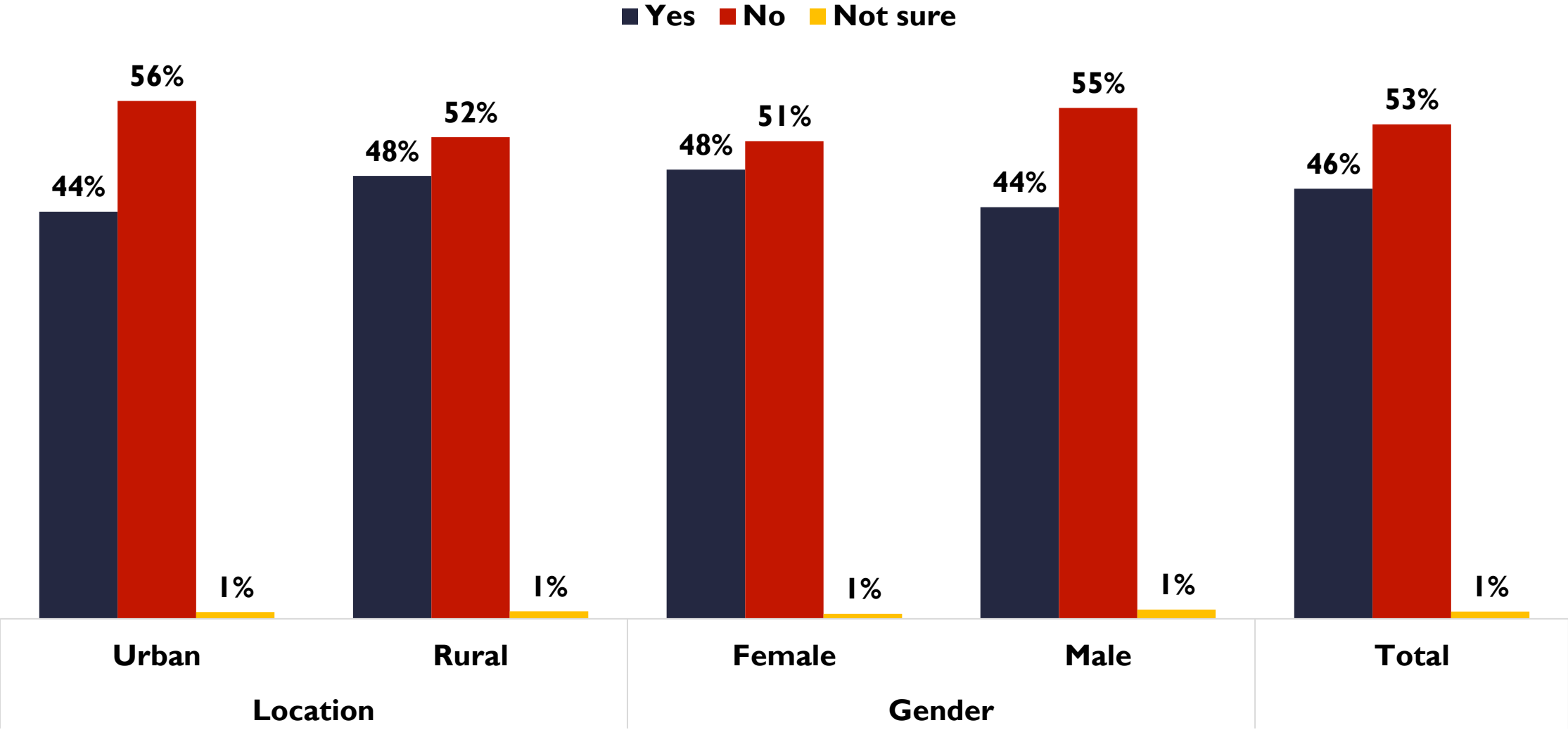


Do you know where to report a data privacy breach/violation?

n = 1521



About 6 in 10 urban residents are unaware of where to report a data privacy breach/violation; about 6 in 10 men are unaware of where to report aa data privacy breach/violation

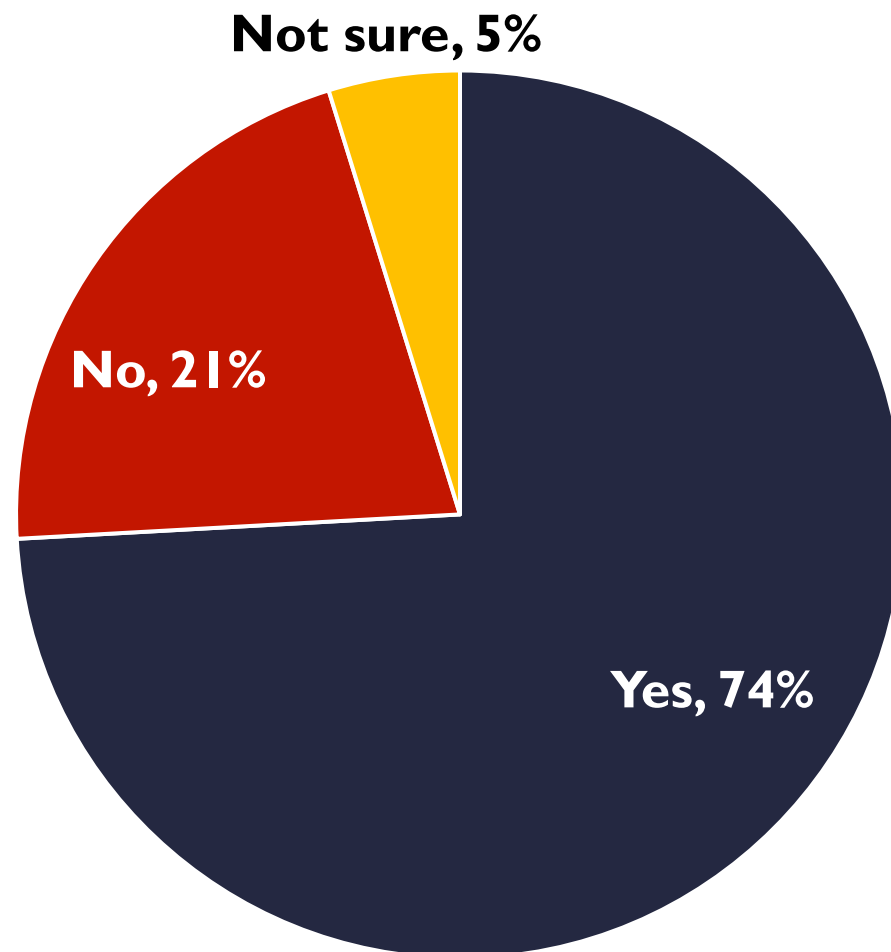


Do you know where to report a data privacy breach/violation?

n = 1521



About 7 in 10 Kenyans would report a data privacy breach/violation

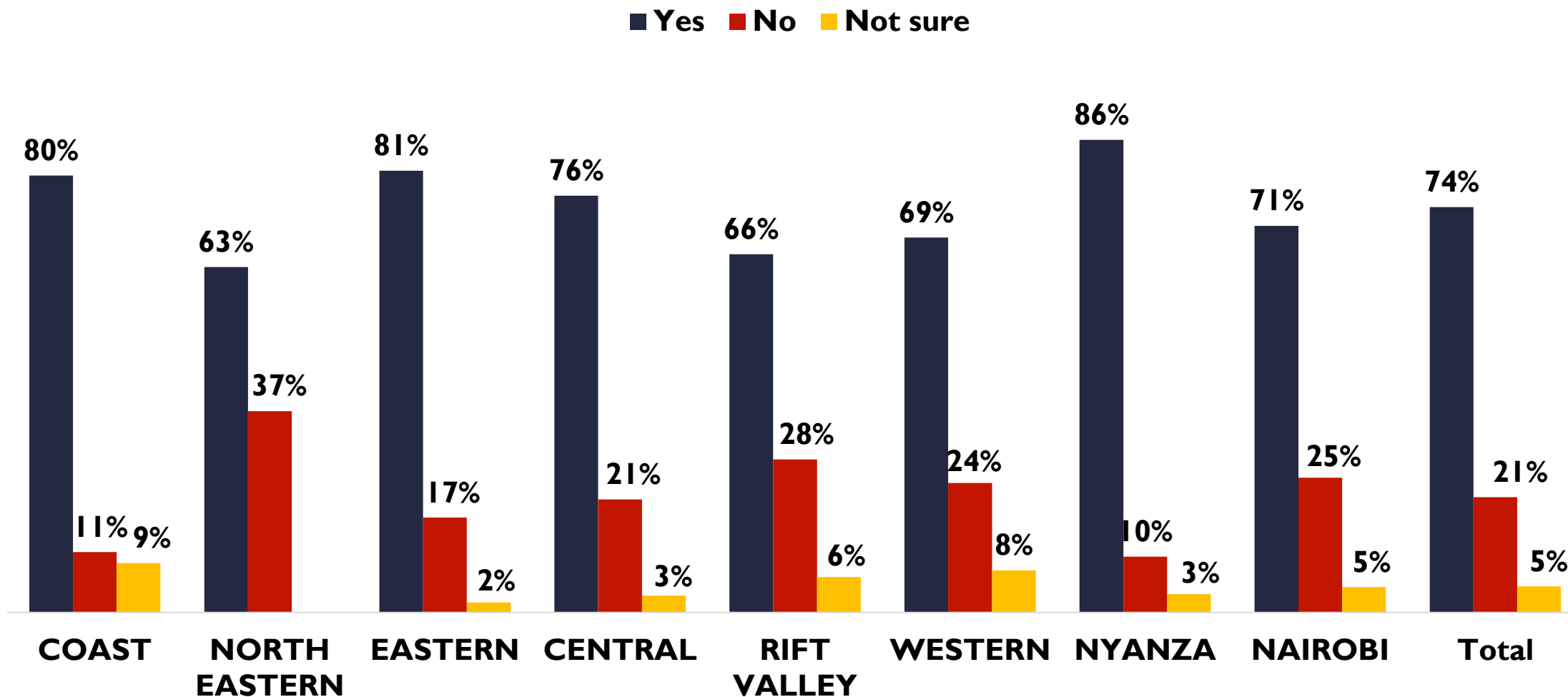


Would you report a personal or general data privacy breach or violation?

n = 1521



About 9 in 10 residents from Nyanza region would report a data privacy breach/violation compared to about 6 in 10 from North Eastern region who would do the same

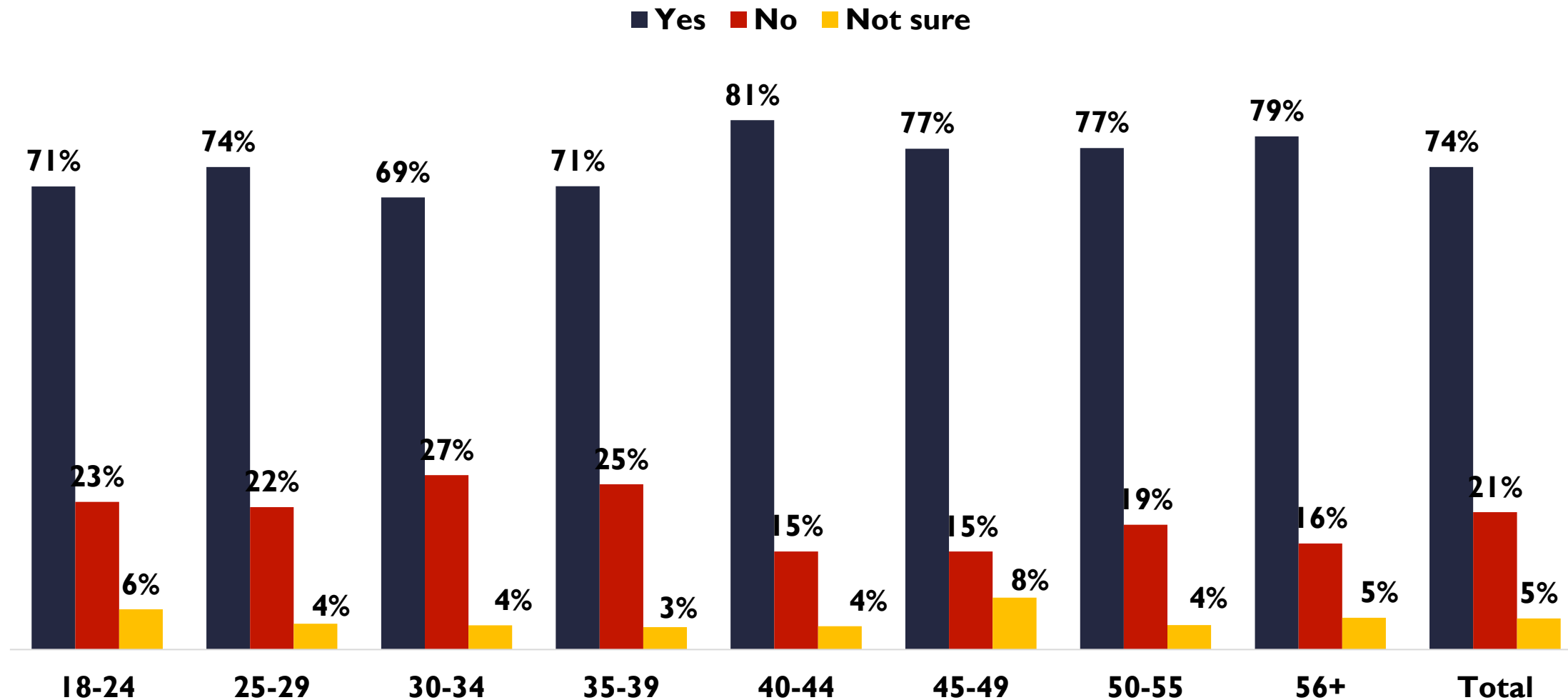


Would you report a personal or general data privacy breach or violation?

n = 1521



Intention to Report a Data Privacy Breach/Violation: By Age

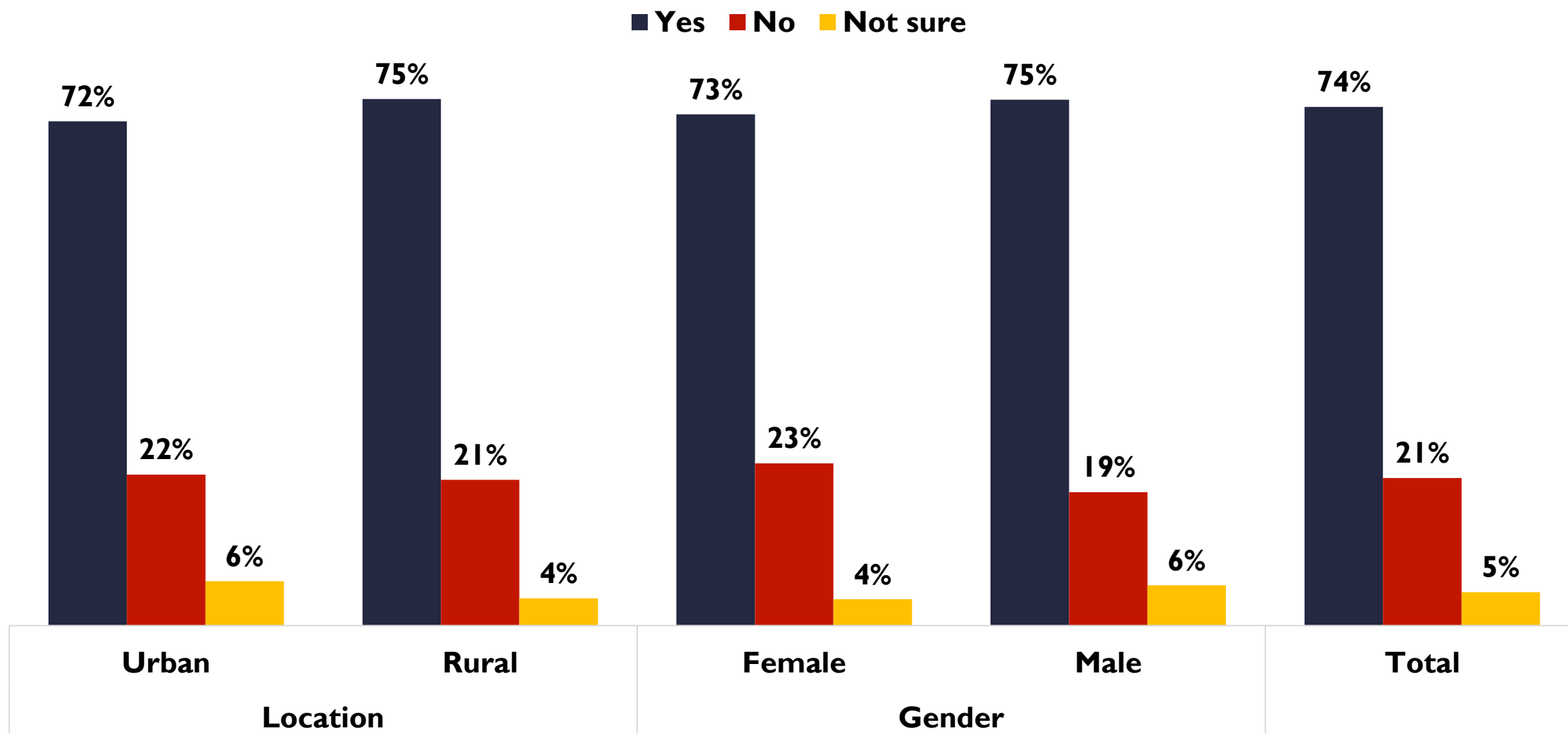


Would you report a personal or general data privacy breach or violation?

n = 1521



Intention to Report a Data Privacy Breach/Violation: By Location & Gender

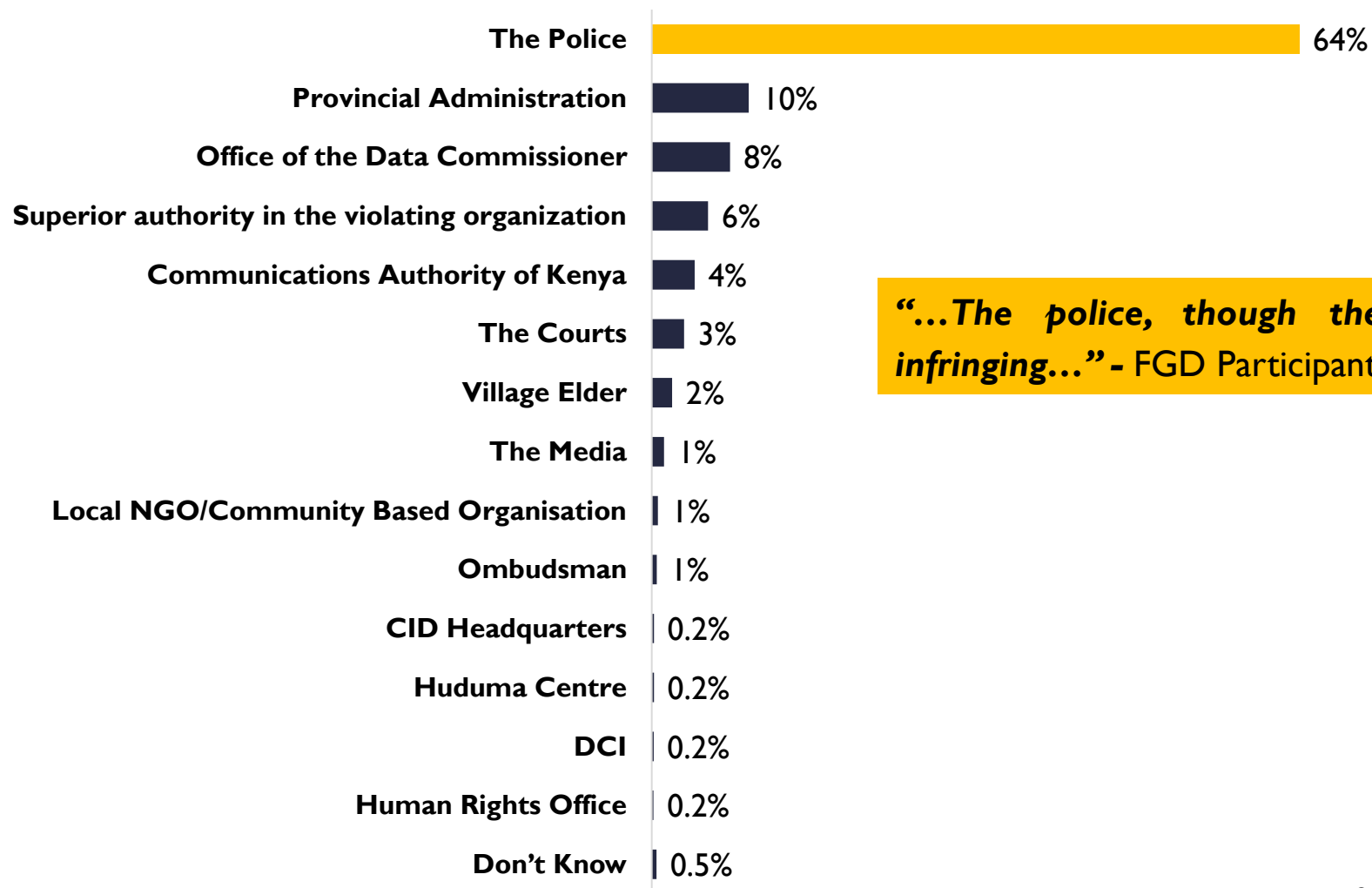


Would you report a personal or general data privacy breach or violation?

n = 1521



6 in 10 Kenyans who would report a data privacy breach/violation would do so to the Police



“...The police, though they are the ones most guilty of infringing...” - FGD Participant, Mombasa, Male, 36+ yrs

n = 1127, those that would report a breach/violation in data privacy

If yes, where would you report a data privacy breach/violation?

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
The Police	63%	58%	63%	65%	64%	60%	67%	65%	64%
Provincial Administration	9%	9%	8%	11%	5%	21%	10%	8%	10%
Office of the Data Commissioner	4%	3%	16%	7%	7%	1%	8%	7%	8%
Superior authority in the violating organization	6%	2%	2%	7%	9%	9%	3%	2%	6%
Communications Authority of Kenya	7%	13%	1%	3%	6%	2%	0.3%	12%	4%
The Courts	1%	2%	4%	1%	4%	2%	5%	3%	3%
Village Elder	1%	2%	3%	1%	3%	2%	2%	-	2%
The Media	-	-	1%	-	1%	1%	4%	2%	1%
Local NGO/Community Based Organisation	6%	-	-	0.4%	0.3%	-	-	-	1%
Ombudsman	-	-	-	3%	1%	-	-	-	1%
CID Headquarters	1%	1%	-	-	-	-	-	1%	0.2%
Huduma Centre	-	6%	-	-	-	-	-	-	0.2%
DCI	-	2%	-	-	0.2%	1%	-	-	0.2%
Human Rights Office	1%	-	-	0.5%	-	1%	-	-	0.2%
Don't Know	-	2%	1%	0.5%	0.3%	1%	-	1%	0.5%

If yes, where would you report a data privacy breach/violation?

n = 1127

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
The Police	66%	59%	66%	62%	66%	64%	72%	60%	64%
Provincial Administration	3%	11%	10%	10%	10%	9%	8%	18%	10%
Office of the Data Commissioner	9%	9%	10%	5%	12%	3%	3%	7%	8%
Superior authority in the violating organization	8%	5%	3%	6%	4%	5%	7%	5%	6%
Communications Authority of Kenya	3%	7%	4%	6%	4%	9%	4%	1%	4%
The Courts	4%	4%	2%	4%	1%	2%	3%	4%	3%
Village Elder	3%	3%	3%	1%	-	1%	1%	1%	2%
The Media	2%	-	1%	2%	1%	2%	-	1%	1%
Local NGO/Community Based Organisation	-	1%	0%	-	1%	2%	-	1%	1%
Ombudsman	2%	-	-	-	-	-	-	1%	1%
CID Headquarters	-	-	0.4%	-	-	1%	1%	-	0.2%
Huduma Centre	1%	-	-	-	-	-	-	-	0.2%
DCI	-	0.3%	0.4%	-	-	1%	-	-	0.2%
Human Rights Office	-	1%	-	1%	-	-	-	-	0.2%
Don't Know	-	-	0.4%	3%	1%	-	-	-	0.5%

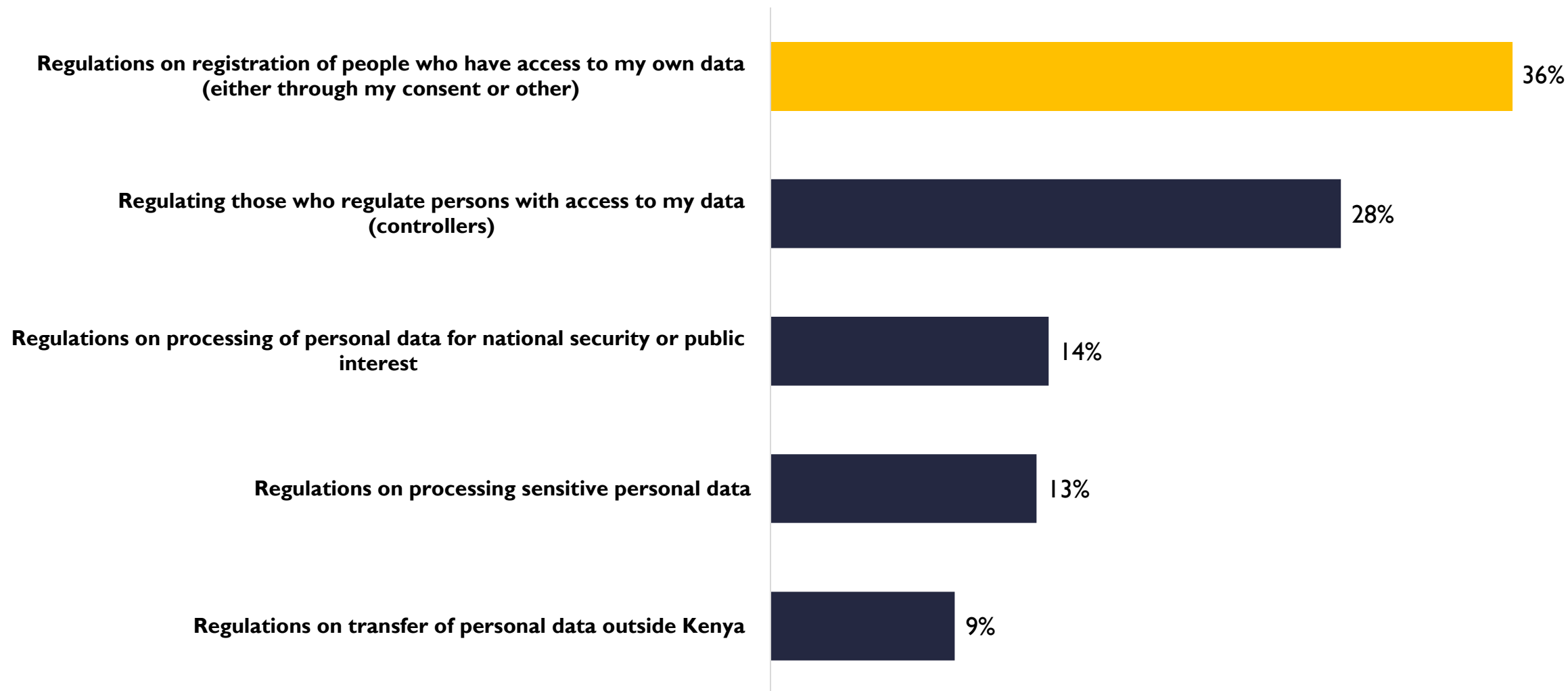
If yes, where would you report a data privacy breach/violation?

n = 1127

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
The Police	64%	64%	61%	67%	64%
Provincial Administration	4%	12%	12%	7%	10%
Office of the Data Commissioner	11%	6%	7%	8%	8%
Superior authority in the violating organization	6%	5%	6%	6%	6%
Communications Authority of Kenya	7%	3%	4%	4%	4%
The Courts	3%	3%	3%	3%	3%
Village Elder	1%	3%	3%	1%	2%
The Media	1%	1%	2%	1%	1%
Local NGO/Community Based Organisation	1%	1%	1%	0.3%	1%
Ombudsman	0.4%	1%	-	1%	1%
CID Headquarters	0.4%	0.1%	-	0.4%	0.2%
Huduma Centre	1%	-	-	0.4%	0.2%
DCI	0.3%	0.1%	0.1%	0.3%	0.2%
Human Rights Office	0.2%	0.2%	0.1%	0.2%	0.2%
Don't Know	0.5%	0.5%	1%	0.4%	0.5%

If yes, where would you report a data privacy breach/violation?

n = 1127



In your view, which ONE of the following data protection regulations should be given priority?

n = 1521

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Regulations on registration of people who have access to my own data (either through my consent or other)	42%	28%	36%	41%	34%	29%	40%	36%	36%
Regulating those who regulate persons with access to my data (controllers)	22%	31%	21%	34%	31%	33%	23%	28%	28%
Regulations on processing of personal data for national security or public interest	17%	16%	17%	7%	14%	9%	18%	13%	14%
Regulations on processing sensitive personal data	8%	11%	16%	9%	14%	18%	12%	14%	13%
Regulations on transfer of personal data outside Kenya	11%	14%	11%	9%	7%	11%	7%	9%	9%

In your view, which ONE of the following data protection regulations should be given priority?

n = 1521

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Regulations on registration of people who have access to my own data (either through my consent or other)	35%	43%	41%	41%	32%	33%	25%	32%	36%
Regulating those who regulate persons with access to my data (controllers)	29%	27%	23%	30%	30%	29%	33%	26%	28%
Regulations on processing of personal data for national security or public interest	17%	9%	12%	12%	17%	14%	14%	15%	14%
Regulations on processing sensitive personal data	13%	12%	14%	11%	12%	17%	13%	14%	13%
Regulations on transfer of personal data outside Kenya	7%	8%	11%	5%	9%	7%	15%	13%	9%

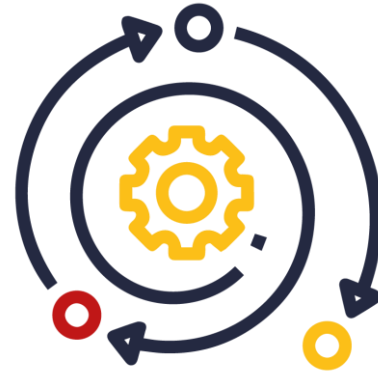
In your view, which ONE of the following data protection regulations should be given priority?

n = 1521

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Regulations on registration of people who have access to my own data (either through my consent or other)	41%	34%	35%	37%	36%
Regulating those who regulate persons with access to my data (controllers)	26%	29%	29%	27%	28%
Regulations on processing of personal data for national security or public interest	14%	13%	13%	14%	14%
Regulations on processing sensitive personal data	12%	14%	14%	12%	13%
Regulations on transfer of personal data outside Kenya	8%	10%	9%	9%	9%

In your view, which ONE of the following data protection regulations should be given priority?

n = 1521

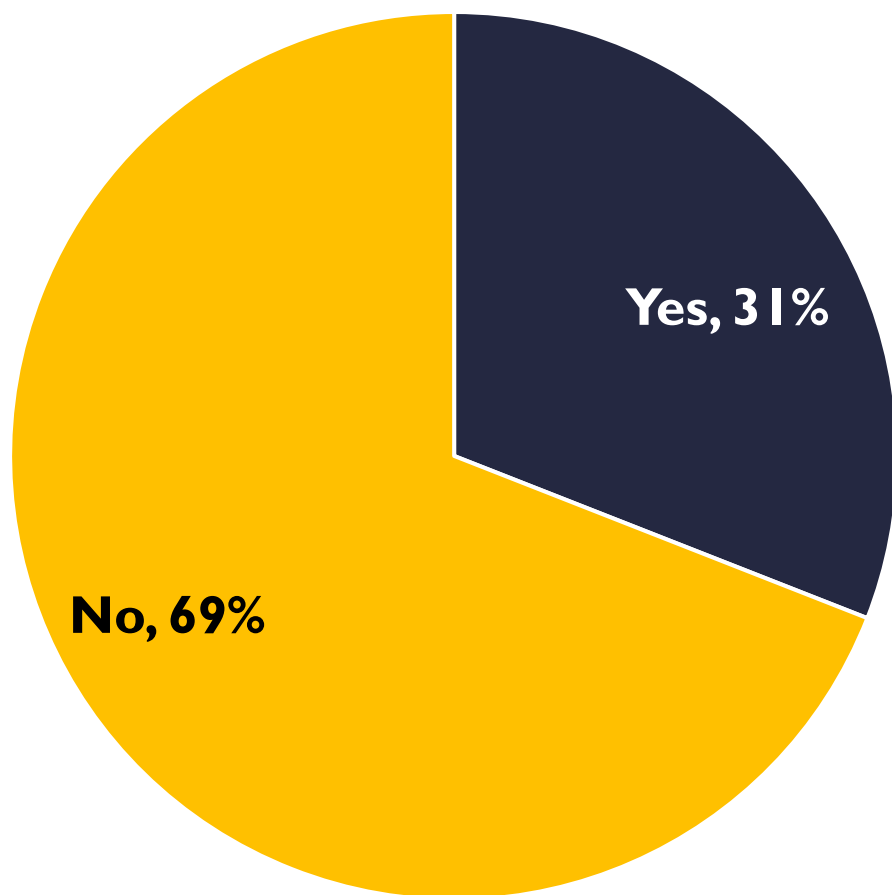


NIIMS (HUDUMA NAMBA)





7 in 10 Kenyans did not hear or participate in public events before the launch of Huduma Namba



“...No I did not but I enrolled for the number...” - FGD Participant, Mombasa, Male, 36+ yrs

“...There was no public participation, it was just bulldozed...” - FGD Participant, Mombasa, Male, 36+ yrs

“...The government frustrated the people by saying without Huduma Namba there will be no service you can get so we just went and registered...” - FGD Participant, Garissa, Male, 36+ yrs

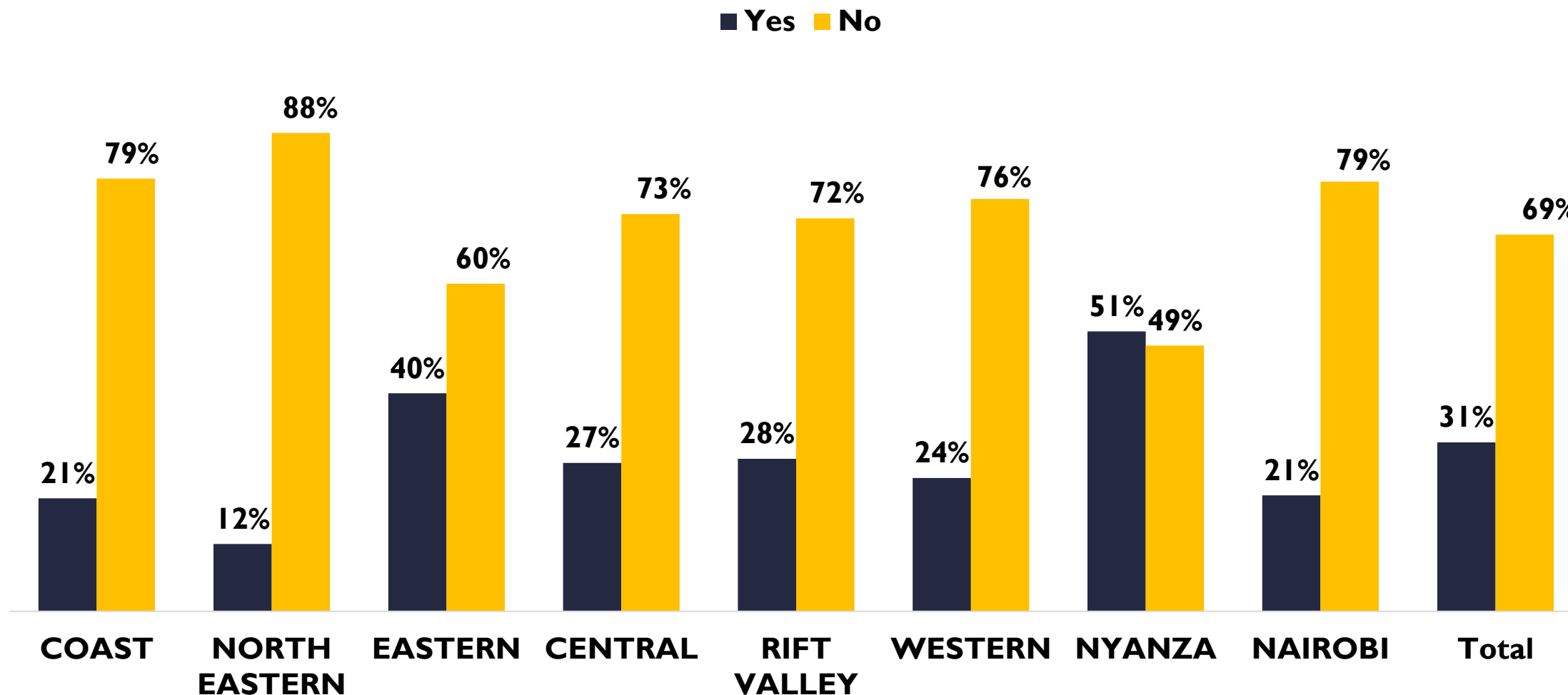
“...I did not even register for the number. The government threatened citizens. They did not sensitize the citizens about it. No wonder no one has gone to pick the cards yet...” - FGD Participant, Mombasa, Male, 36+ yrs

Did you hear or participate in any public events before the launch of the Huduma Namba?

n = 1521



Citizens that Heard/Participated in Public Events Before the Launch of the *Huduma Namba*: By Region

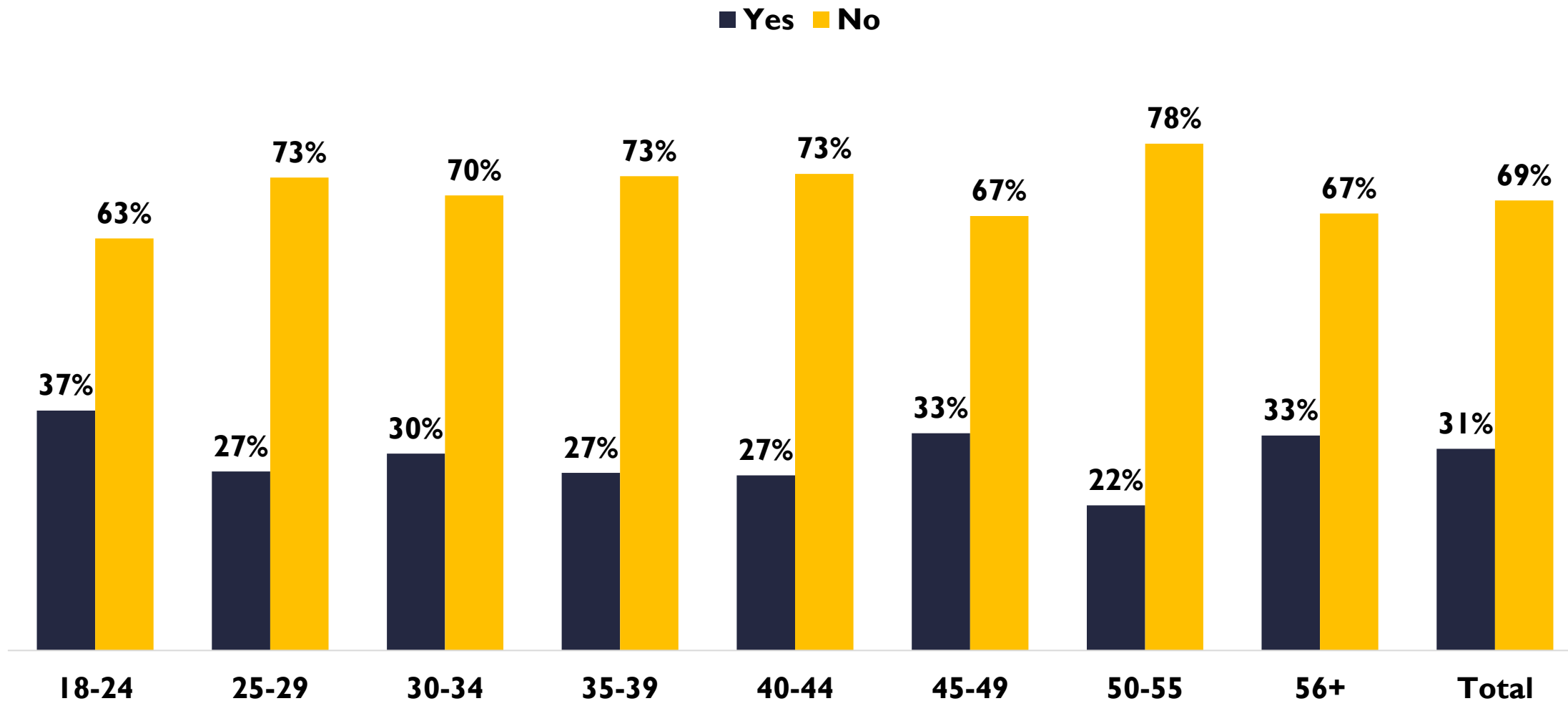


Did you hear or participate in any public events before the launch of the Huduma Namba?

n = 1521



About 4 in 10 Kenyans aged 18 – 24 heard or participated in public events before the launch of the *Huduma Namba*; just 2 in 10 Kenyans aged 50 – 55 heard or participated in public events before the launch of the *Huduma Namba*

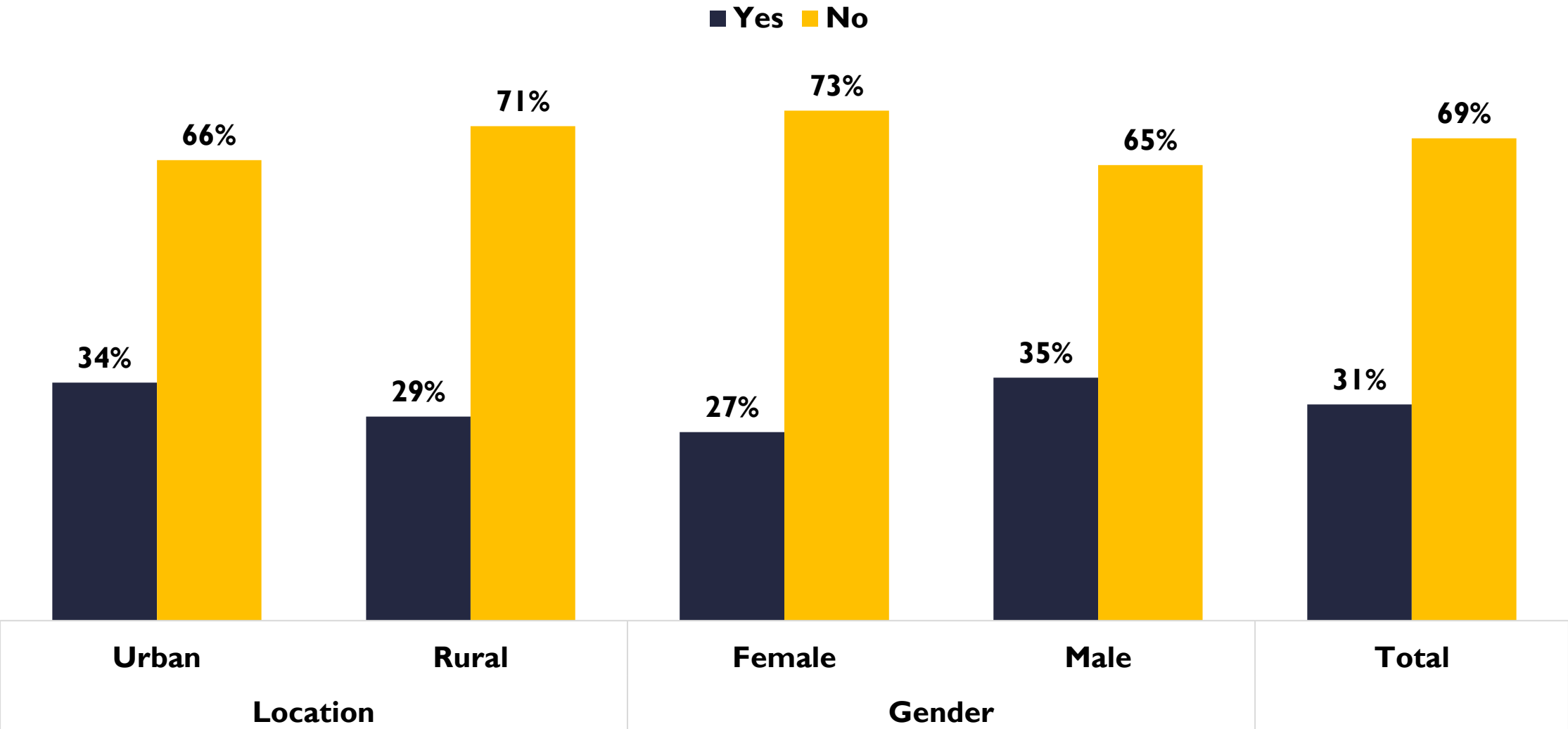


Did you hear or participate in any public events before the launch of the Huduma Namba?

n = 1521



Citizens that Heard/Participated in Public Events Before the Launch of the *Huduma Namba*: By Location & Gender

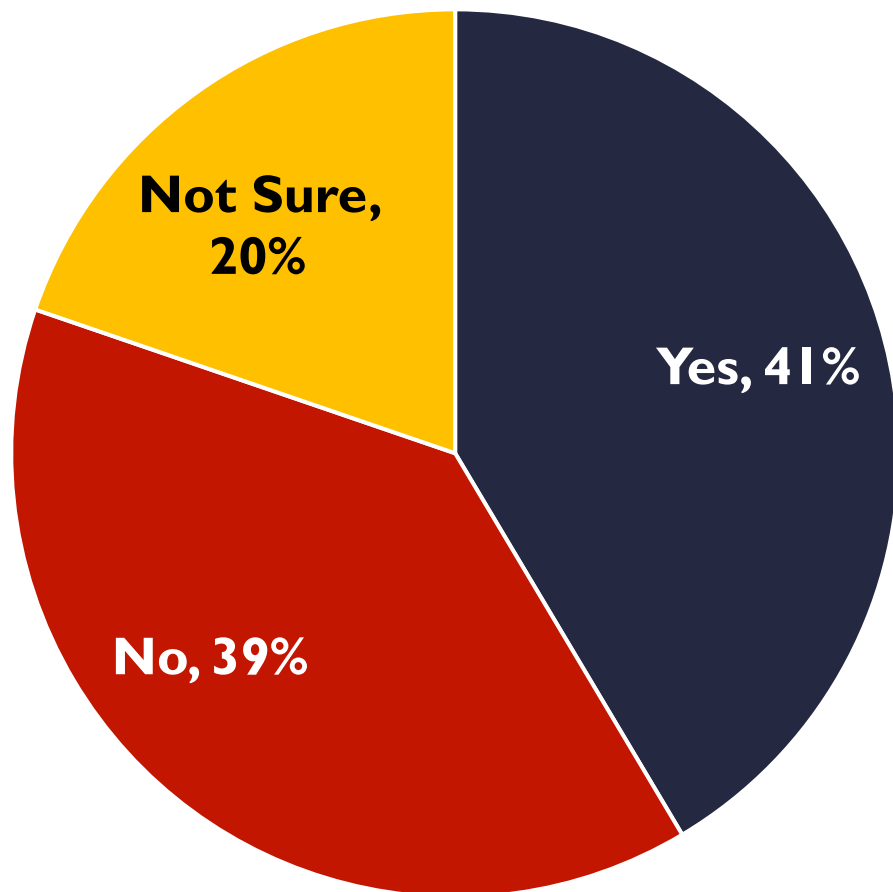


Did you hear or participate in any public events before the launch of the Huduma Namba?

n = 1521



4 in 10 Kenyans are of the opinion that the law sufficiently protects data collected through the *Huduma Namba* initiative



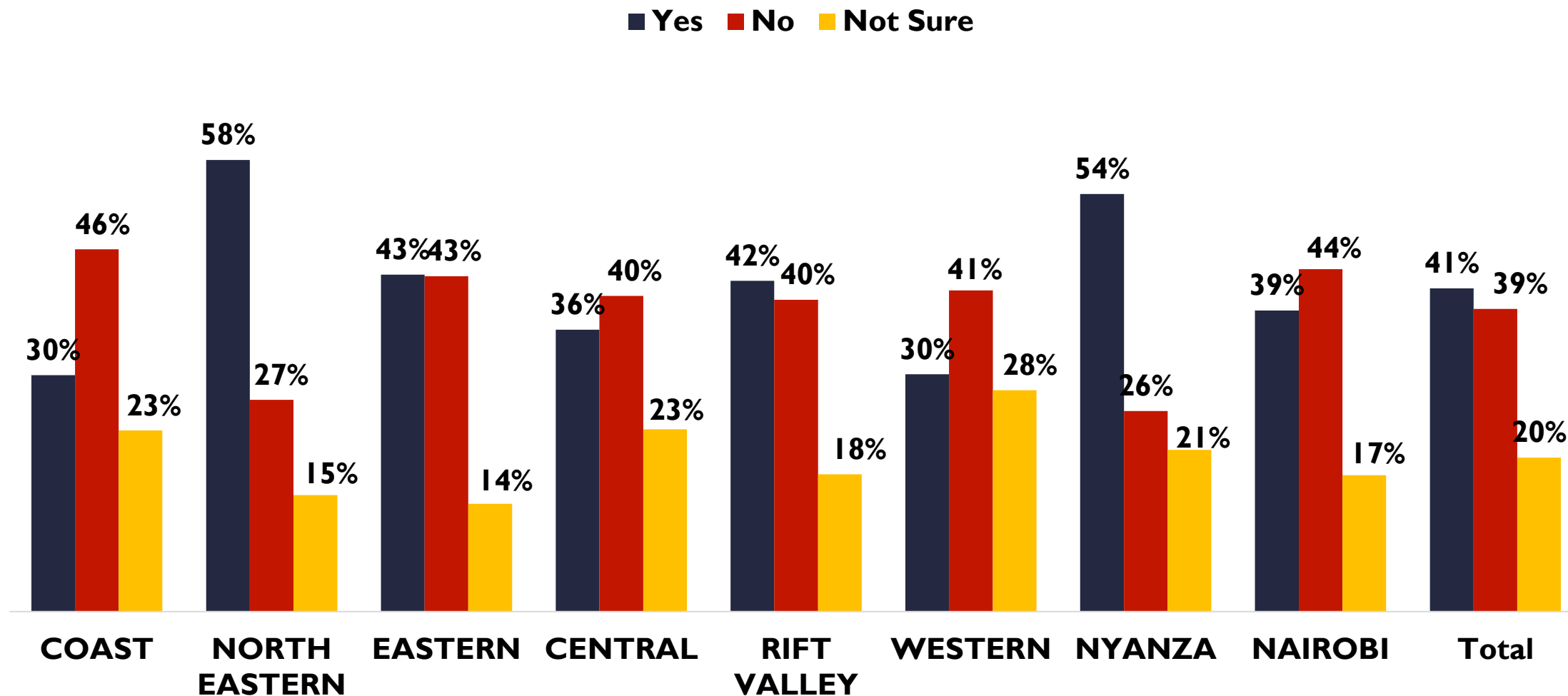
“...No, I feel the government is the one that will benefit from Huduma Namba, not us...” - FGD Participant, Kisumu, Female, 36+ yrs

“...The information we gave is exactly what they have in their systems. If you key in my ID number you will get all the information about me, legal and private so I don't understand why we need another number and I think the information we gave will not be protected...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

“...I don't think so. The Huduma Namba agenda was rushed, most people haven't collected their cards and the money spent was too much. The idea was good but at the end of the day is the information being used well....” - FGD Participant, Mombasa, Male, 36+ yrs



Perception on whether the Law Sufficiently Protects Data Collected through the Huduma Namba Initiative: By Region

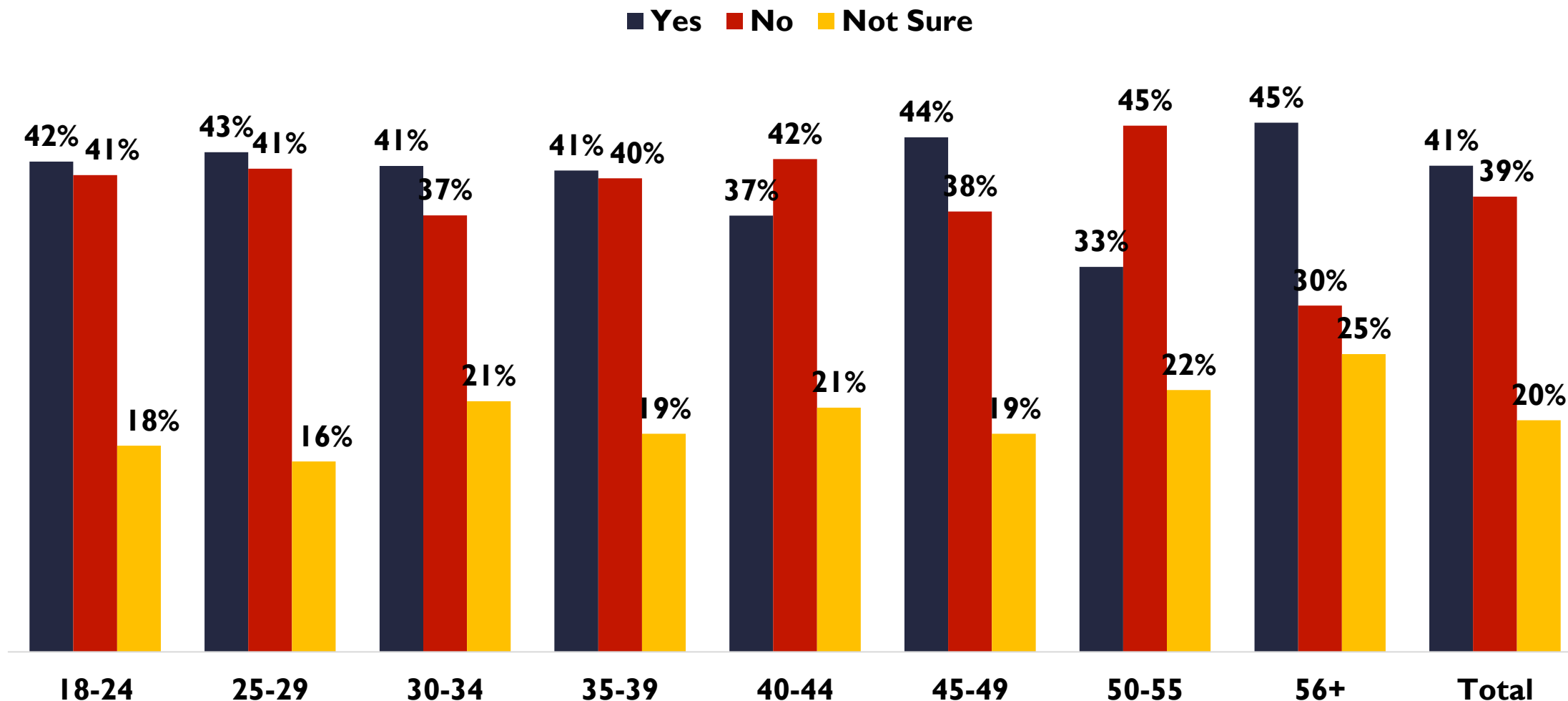


Do you think the law sufficiently protects the data that has been collected through the Huduma Namba initiative?

n = 1521



Perception on whether the Law Sufficiently Protects Data Collected through the Huduma Namba Initiative: By Age

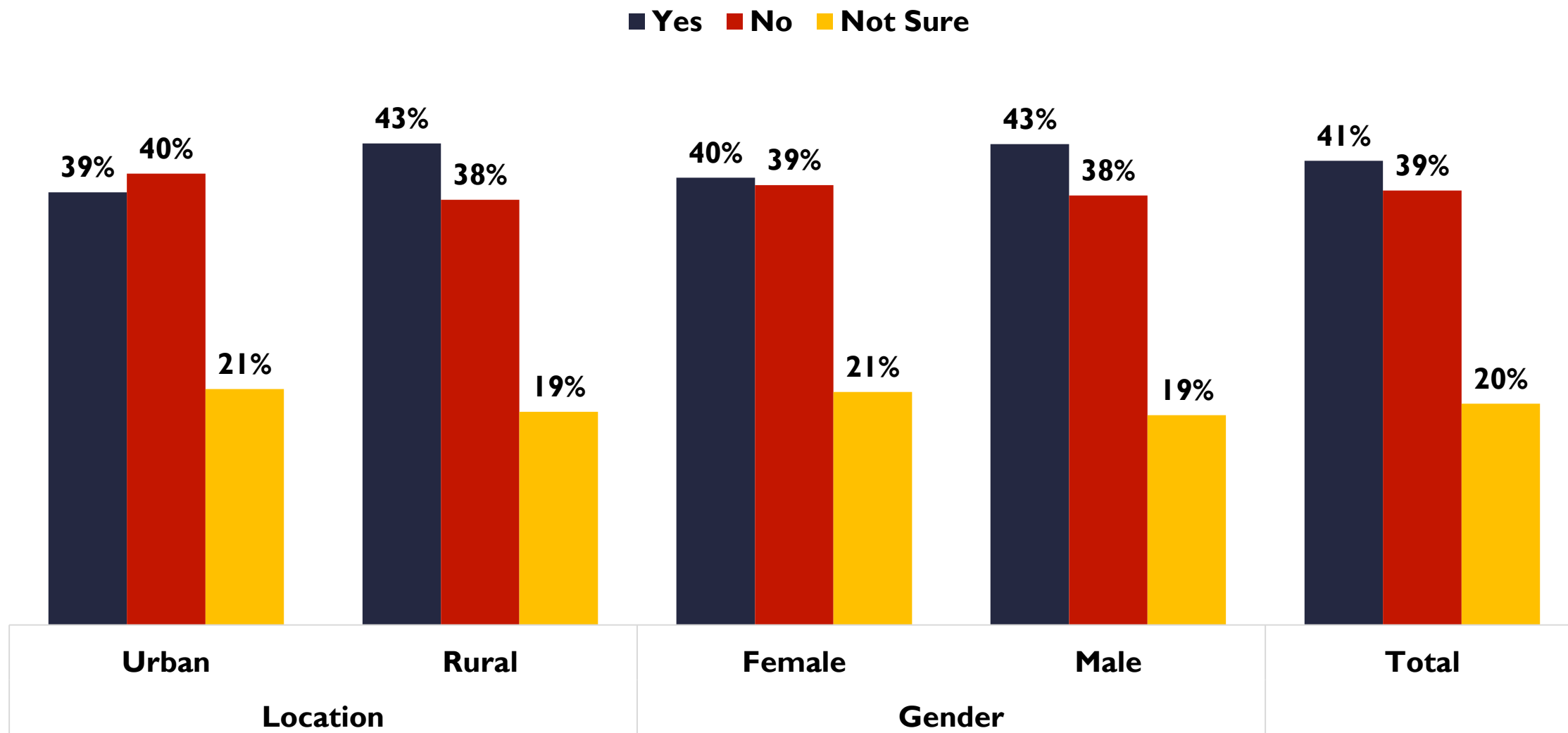


Do you think the law sufficiently protects the data that has been collected through the Huduma Namba initiative?

n = 1521



Perception on whether the Law Sufficiently Protects Data Collected through the Huduma Namba Initiative: By Location & Gender

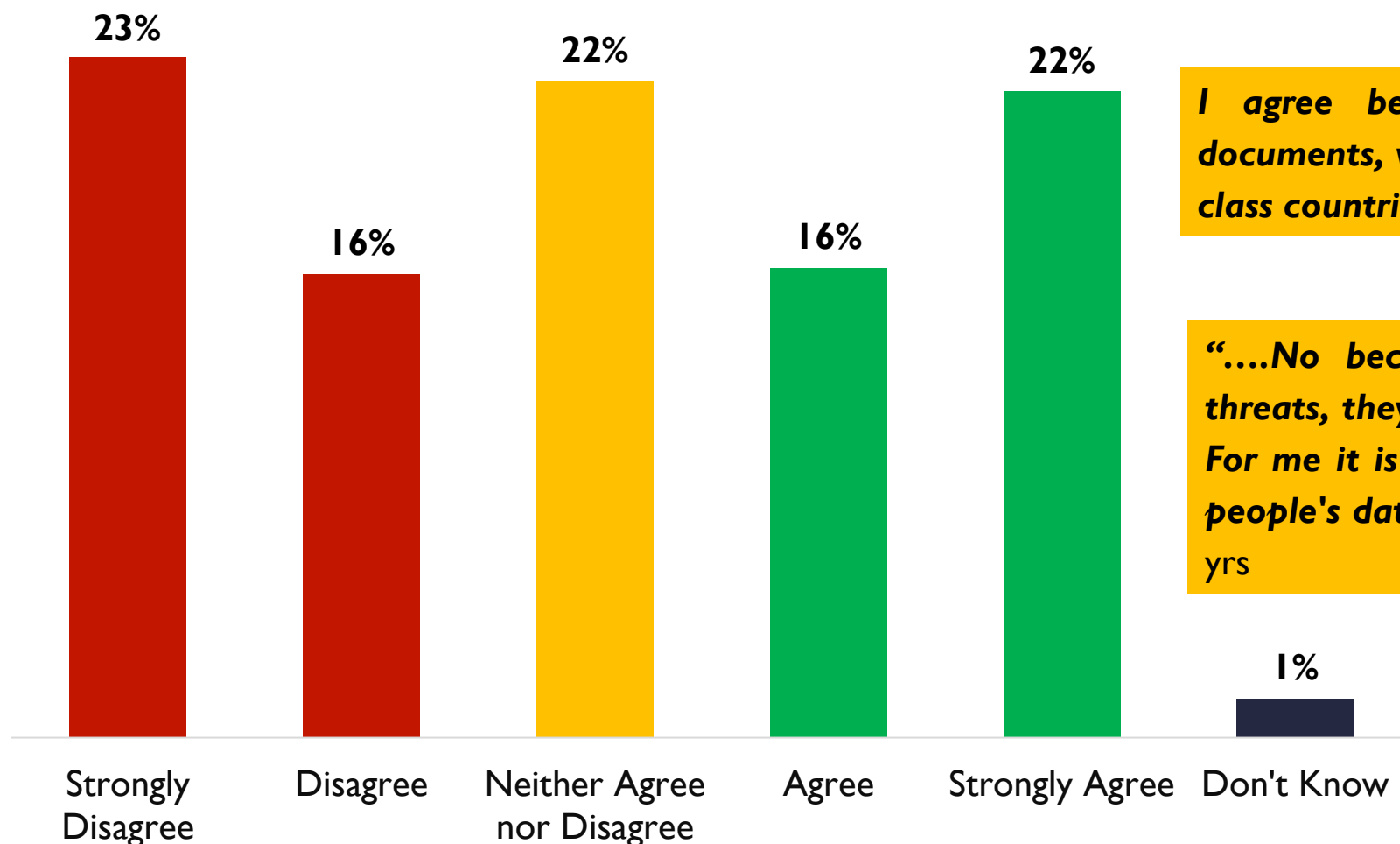


Do you think the law sufficiently protects the data that has been collected through the Huduma Namba initiative?

n = 1521



39% of Kenyans disagree with the mandatory use of *Huduma Namba* to access government services; on the other hand, 37% of Kenyans disagree with this edict



I agree because instead of carrying all my legal documents, we can now use just one card like first world class countries - FGD Participant, Mombasa, Male, 36+ yrs

“....No because they collected the information using threats, they forced citizens to get the Huduma Namba. For me it is very suspicious and I think they just wanted people's data...” - FGD Participant, Nairobi, Female, 25 – 35 yrs

n = 1521

On a scale of 1 – 10, where 1 is strongly disagree and 10 is strongly agree, to what extent do you agree with the mandatory use of the Huduma Namba to access government services?

	COAST	NORTH EASTERN	EASTERN	CENTRAL	RIFT VALLEY	WESTERN	NYANZA	NAIROBI	Total
Strongly Disagree	22%	18%	37%	22%	18%	20%	24%	25%	23%
Disagree	16%	5%	14%	20%	19%	8%	11%	24%	16%
Neither Agree nor Disagree	27%	45%	15%	23%	28%	30%	6%	23%	22%
Agree	18%	10%	7%	16%	19%	18%	14%	17%	16%
Strongly Agree	16%	21%	25%	18%	16%	23%	44%	10%	22%
Don't Know	2%	1%	2%	1%	1%	1%	2%	1%	1%

n = 1521

On a scale of 1 – 10, where 1 is strongly disagree and 10 is strongly agree, to what extent do you agree with the mandatory use of the Huduma Namba to access government services?

	18-24	25-29	30-34	35-39	40-44	45-49	50-55	56+	Total
Strongly Disagree	21%	31%	26%	26%	24%	15%	16%	21%	23%
Disagree	17%	19%	17%	17%	12%	14%	15%	11%	16%
Neither Agree nor Disagree	19%	23%	26%	19%	26%	20%	35%	19%	22%
Agree	11%	13%	15%	20%	22%	26%	15%	13%	16%
Strongly Agree	31%	13%	15%	17%	13%	24%	17%	33%	22%
Don't Know	1%	1%	0%	1%	2%	1%	2%	2%	1%

n = 1521

On a scale of 1 – 10, where 1 is strongly disagree and 10 is strongly agree, to what extent do you agree with the mandatory use of the Huduma Namba to access government services?

	Location		Gender		Total
	Urban	Rural	Female	Male	Total
Strongly Disagree	26%	22%	25%	21%	23%
Disagree	20%	14%	16%	15%	16%
Neither Agree nor Disagree	23%	22%	21%	23%	22%
Agree	13%	17%	14%	17%	16%
Strongly Agree	17%	25%	22%	22%	22%
Don't Know	1%	1%	2%	1%	1%

n = 1521

On a scale of 1 – 10, where 1 is strongly disagree and 10 is strongly agree, to what extent do you agree with the mandatory use of the Huduma Namba to access government services?

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
I know my rights are protected within the existing legal frameworks and I'm confident that this can be enforced	11%	12%	29%	25%	21%	1%
I know my rights are protected within the existing legal frameworks but I'm NOT confident this can be enforced	15%	18%	31%	18%	17%	1%
I don't know enough about my rights within the existing legal frameworks	19%	24%	31%	12%	12%	1%
I don't know enough about my rights at this time	20%	23%	30%	11%	14%	2%

I will now read out some statements about the use of the *Huduma Namba*. Kindly indicate to what extent you agree with them.

n = 1521

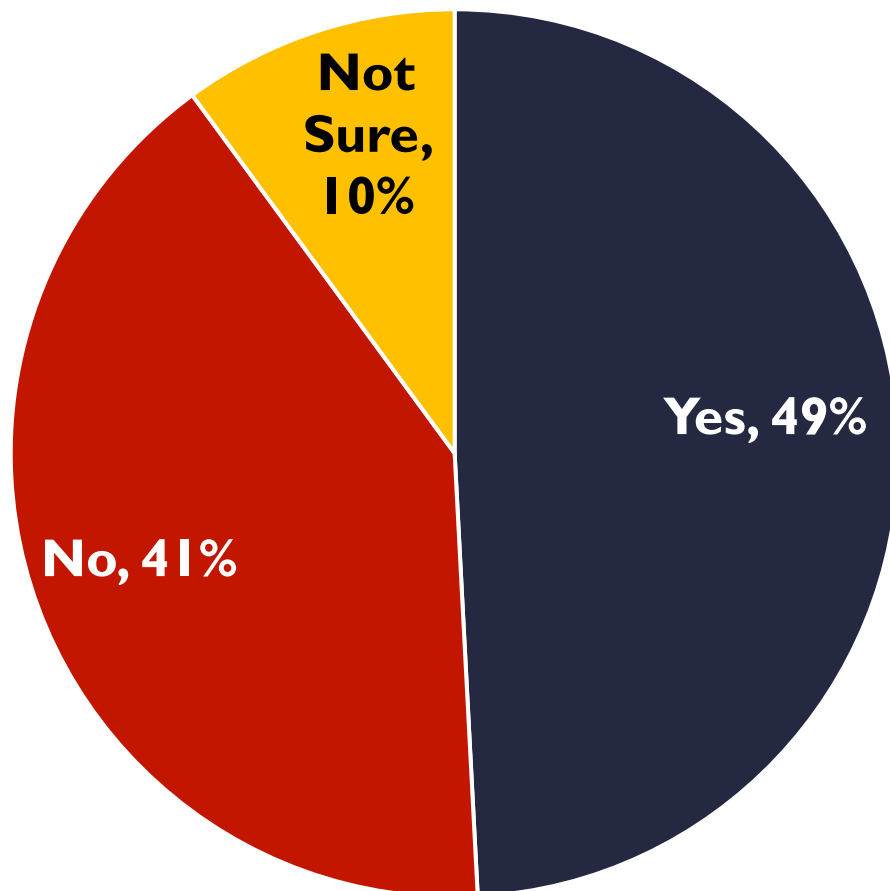


COVID 19 PANDEMIC AND DATA PRIVACY





5 in 10 Kenyans are of the opinion that personal data collected during the COVID-19 pandemic has not been managed properly



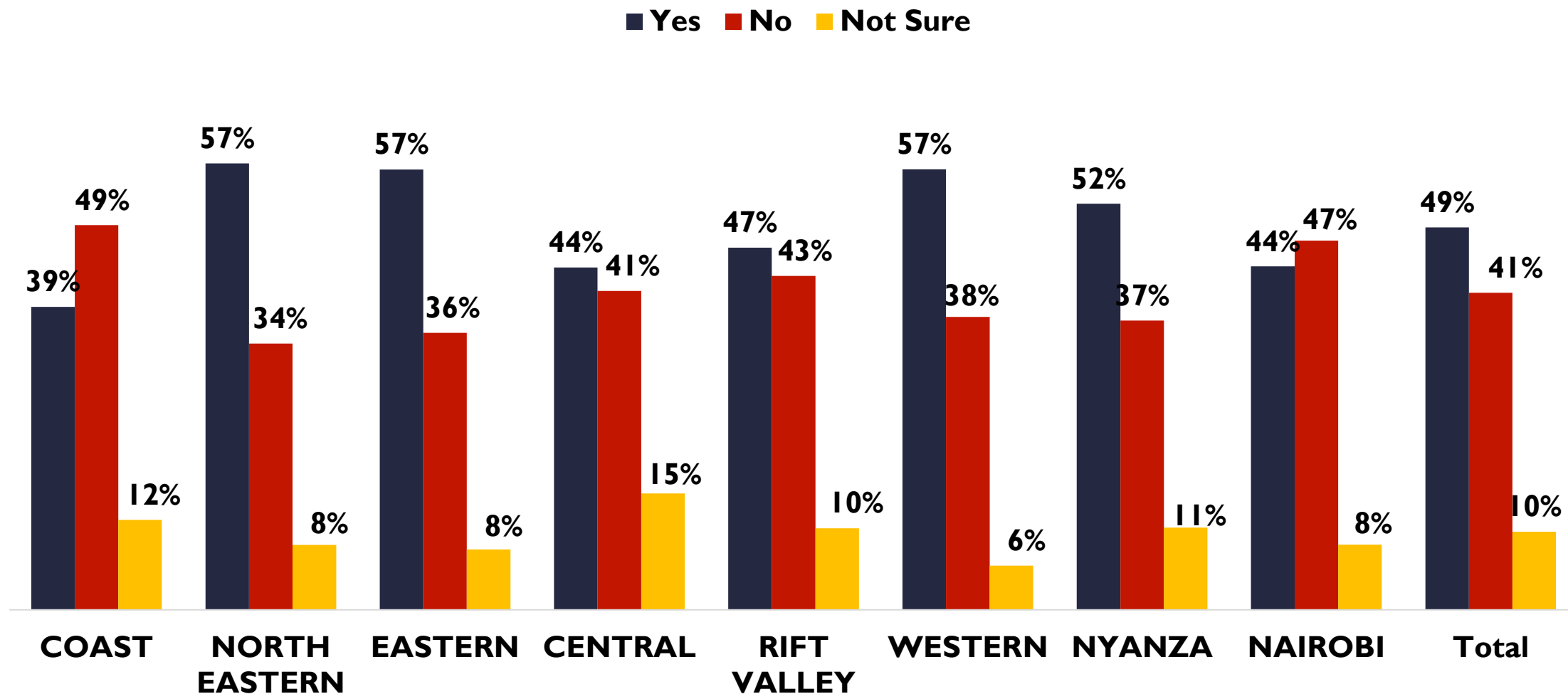
“...I would like to believe the government has used that information well...” - FGD Participant, Mombasa, Male, 36+ yrs

“....No, because if you Google those who have the virus you will get all their names, it is scary and will make them live in fear. I have three close relatives whose names are there...” - FGD Participant, Kisumu, Female, 36+ yrs

“...I feel the government did nothing to protect the privacy of people. It was the leading institution in stigmatizing the victims. After contact tracing they would come with so much pressure with police and news crews and that scared people. There was someone buried in the middle of the night which was wrong and they tried to justify themselves by exposing the person who was died from the virus...” - FGD Participant, Nairobi, Female, 25 – 35 yrs



Perception of the Management of Personal Data Collected during the Covid-19 Pandemic: By Region

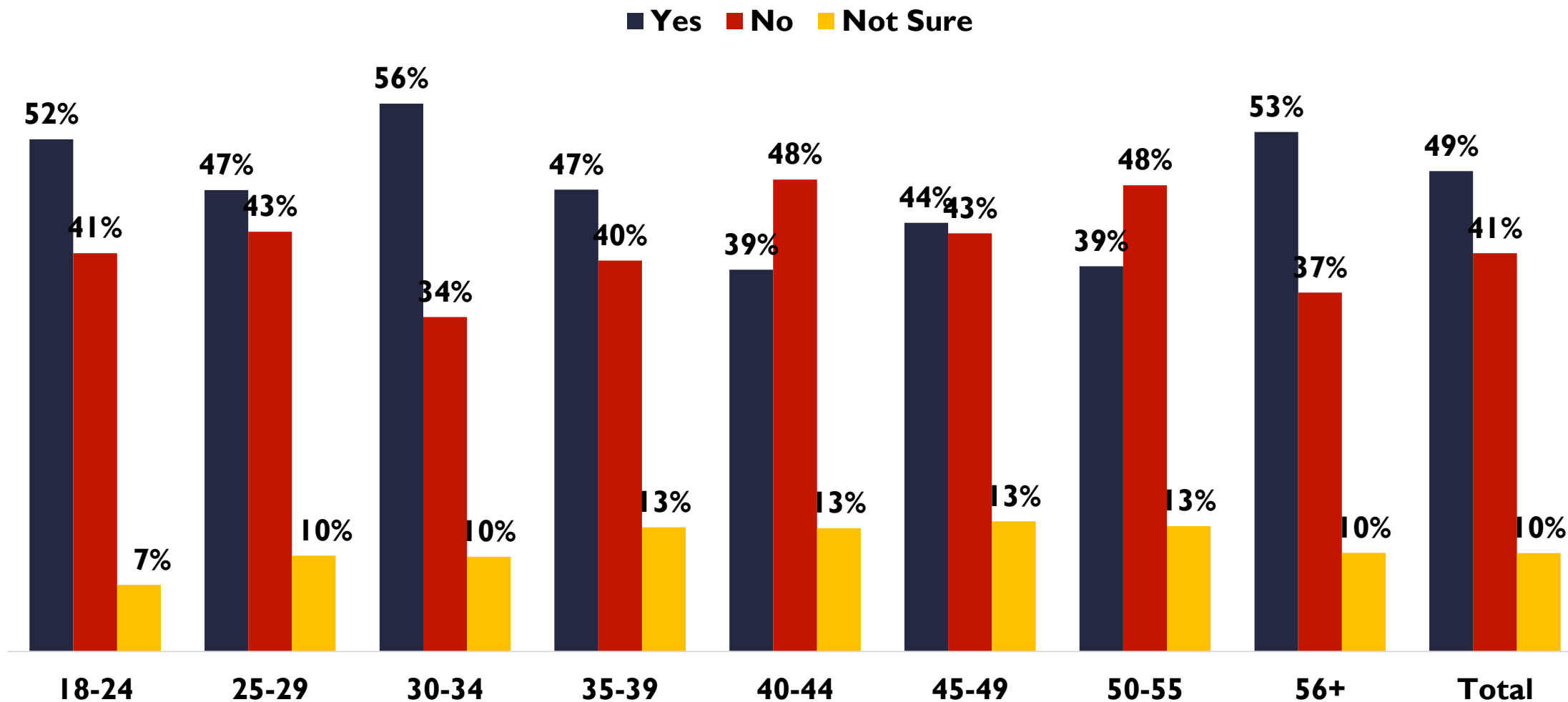


Do you think the government has managed personal data collected during the COVID-19 pandemic properly?

n = 1521



Perception of the Management of Personal Data Collected during the Covid-19 Pandemic: By Age

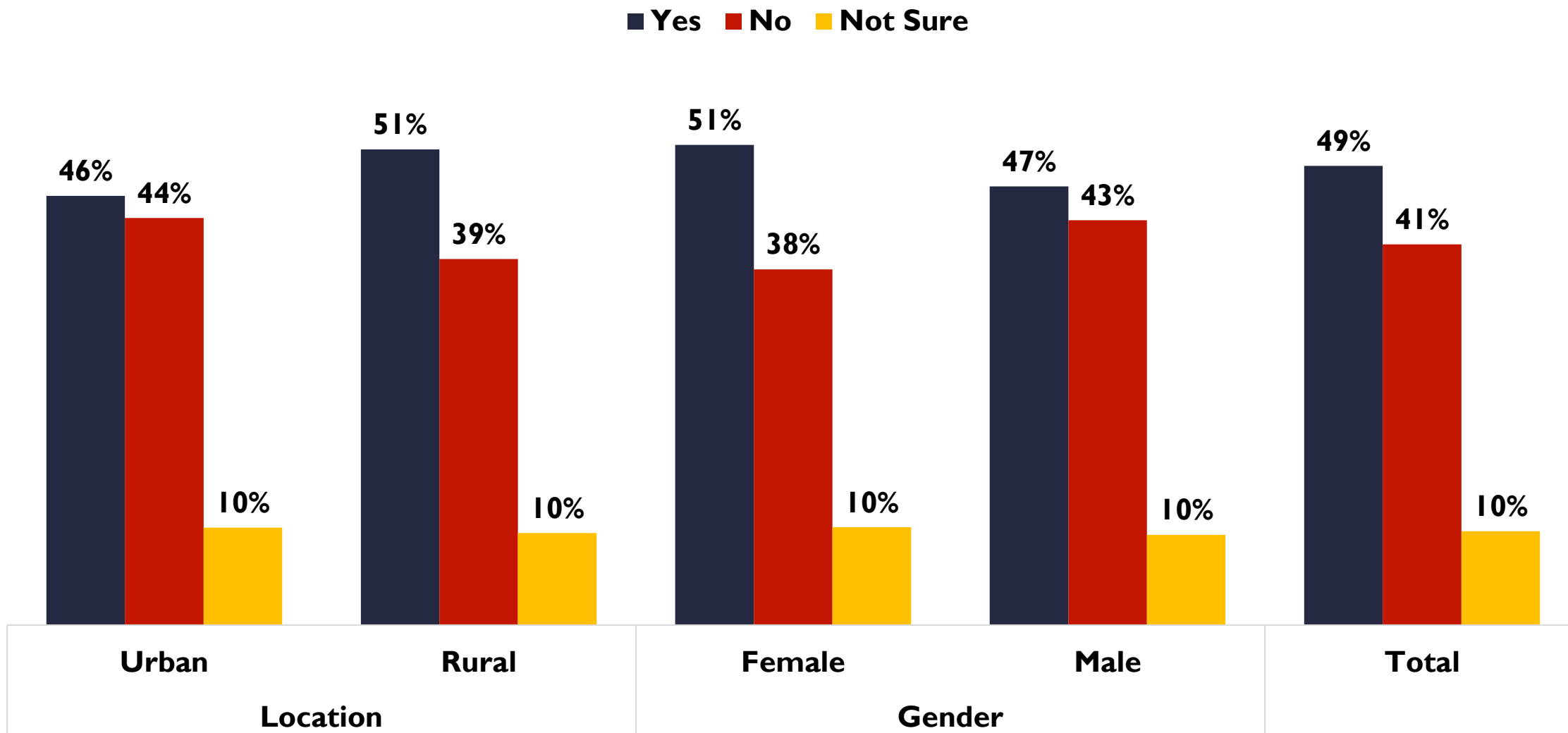


Do you think the government has managed personal data collected during the COVID-19 pandemic properly?

n = 1521



Perception of the Management of Personal Data Collected during the Covid-19 Pandemic: By Location & Gender

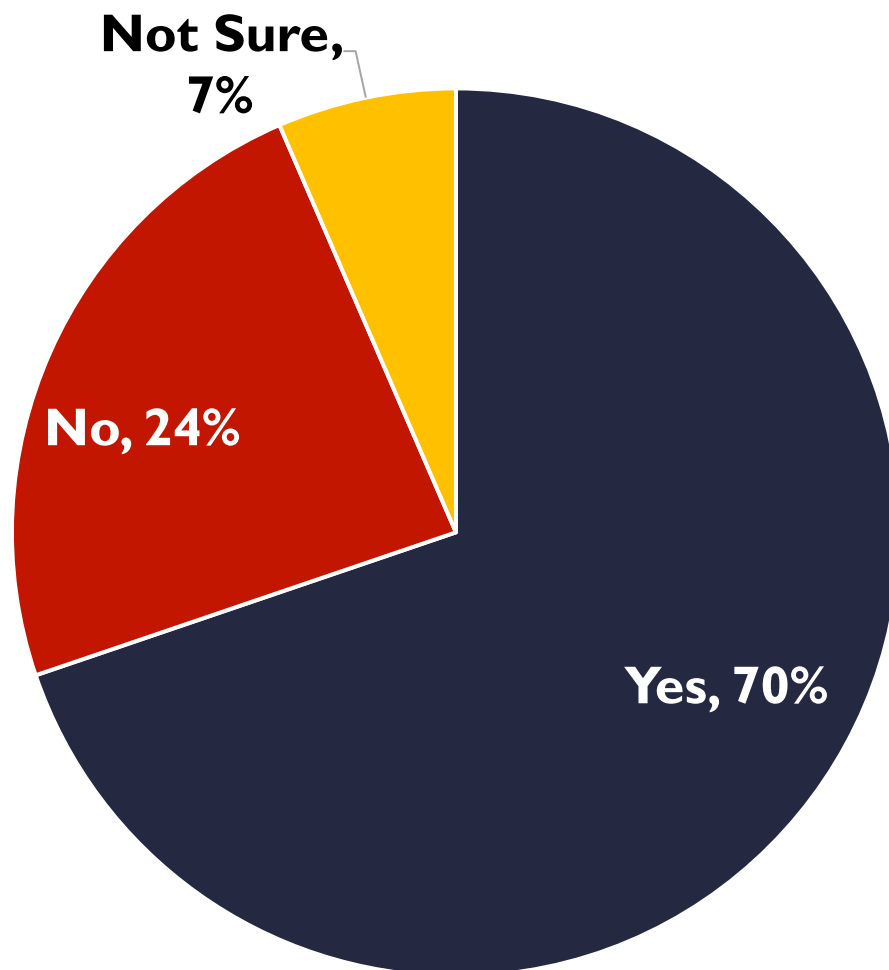


Do you think the government has managed personal data collected during the COVID-19 pandemic properly?

n = 1521



7 in 10 Kenyans are of the opinion that digital technology has helped manage the COVID-19 pandemic



“...The technology was used to instil fear in people...”- FGD Participant, Kisumu, Female, 36+ yrs

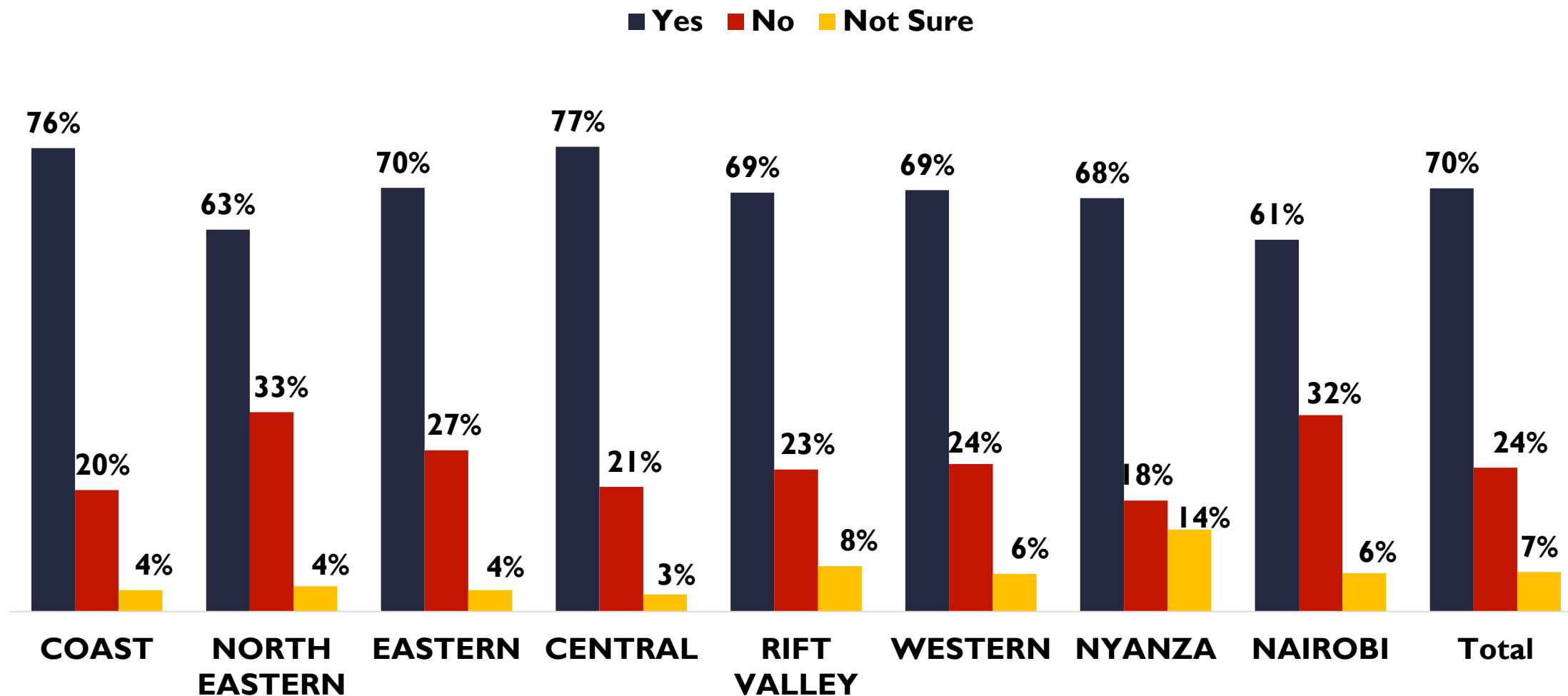
“...Yes, the government now has a platform that they are able to use to know who are infected and those who are healed...” - FGD Participant, Mombasa, Male, 36+ yrs

Do you believe the use of digital technology has helped manage the COVID-19 pandemic better?

n = 1521



About 8 in 10 residents from the regions of Coast and Central are of the opinion that the use of digital technology has helped manage the Covid-19 Pandemic

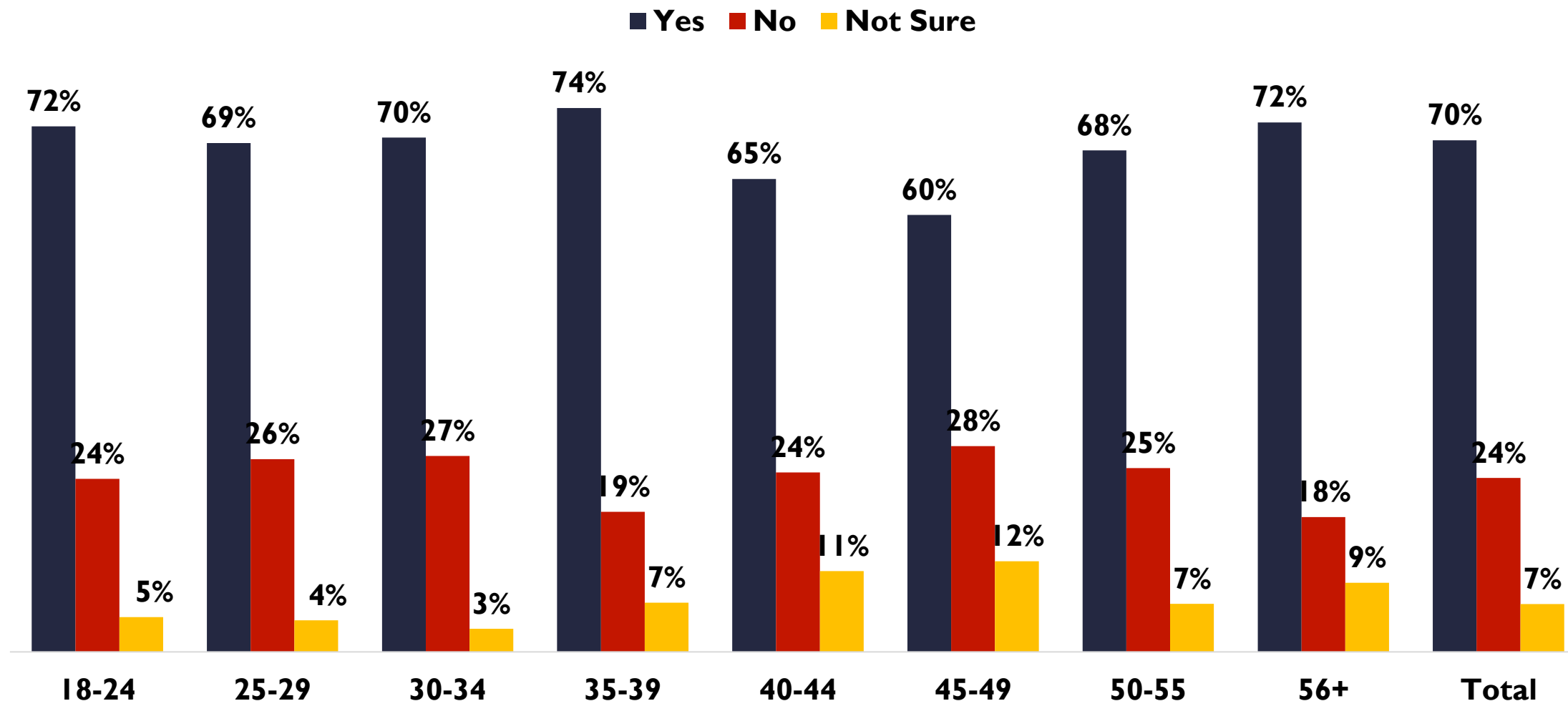


Do you believe the use of digital technology has helped manage the COVID-19 pandemic better?

n = 1521



Perception on Whether the Use of Digital Technology Has Helped Manage the Covid-19 Pandemic: By Age

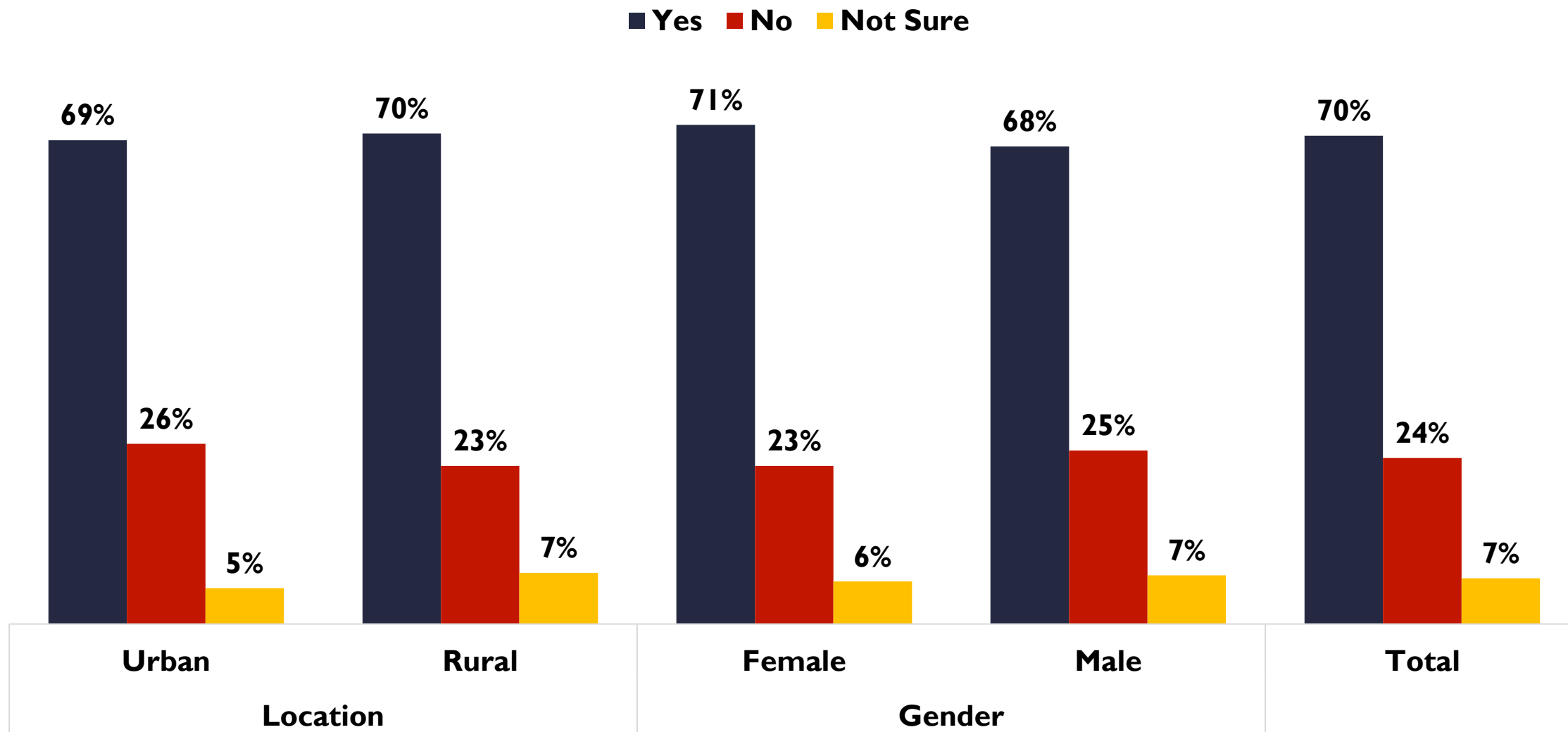


Do you believe the use of digital technology has helped manage the COVID-19 pandemic better?

n = 1521



Perception on Whether the Use of Digital Technology Has Helped Manage the Covid-19 Pandemic: By Location & Gender

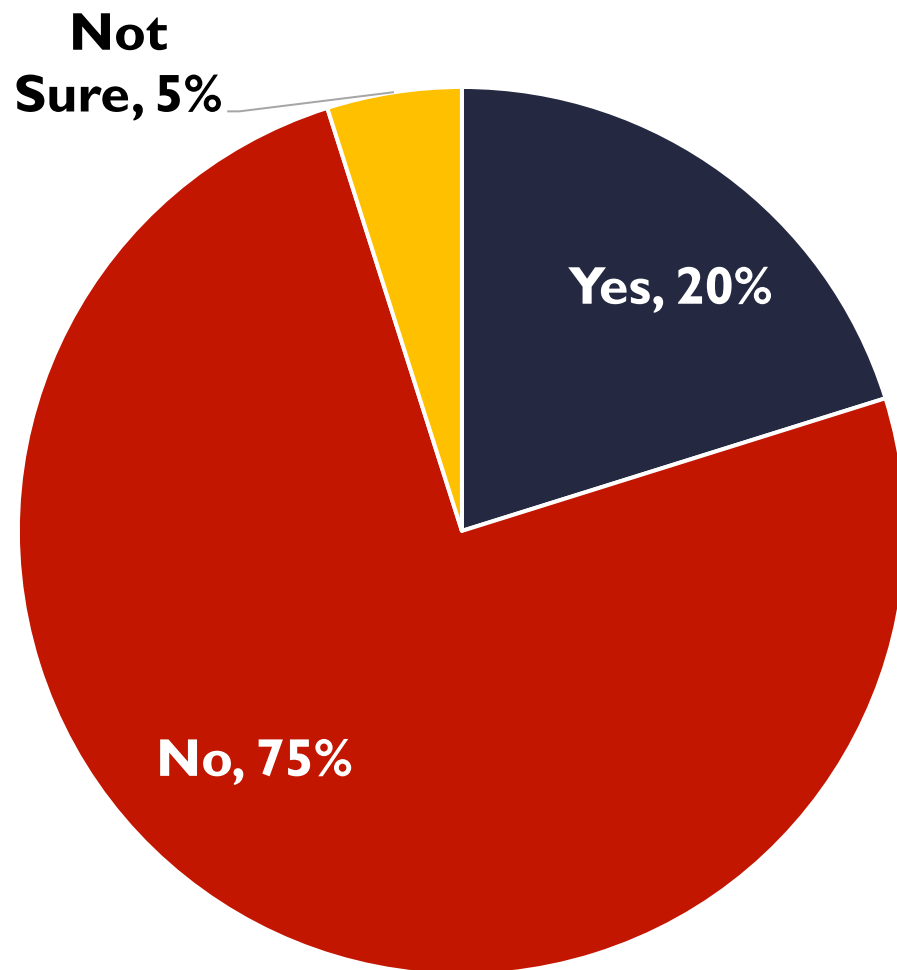


Do you believe the use of digital technology has helped manage the COVID-19 pandemic better?

n = 1521



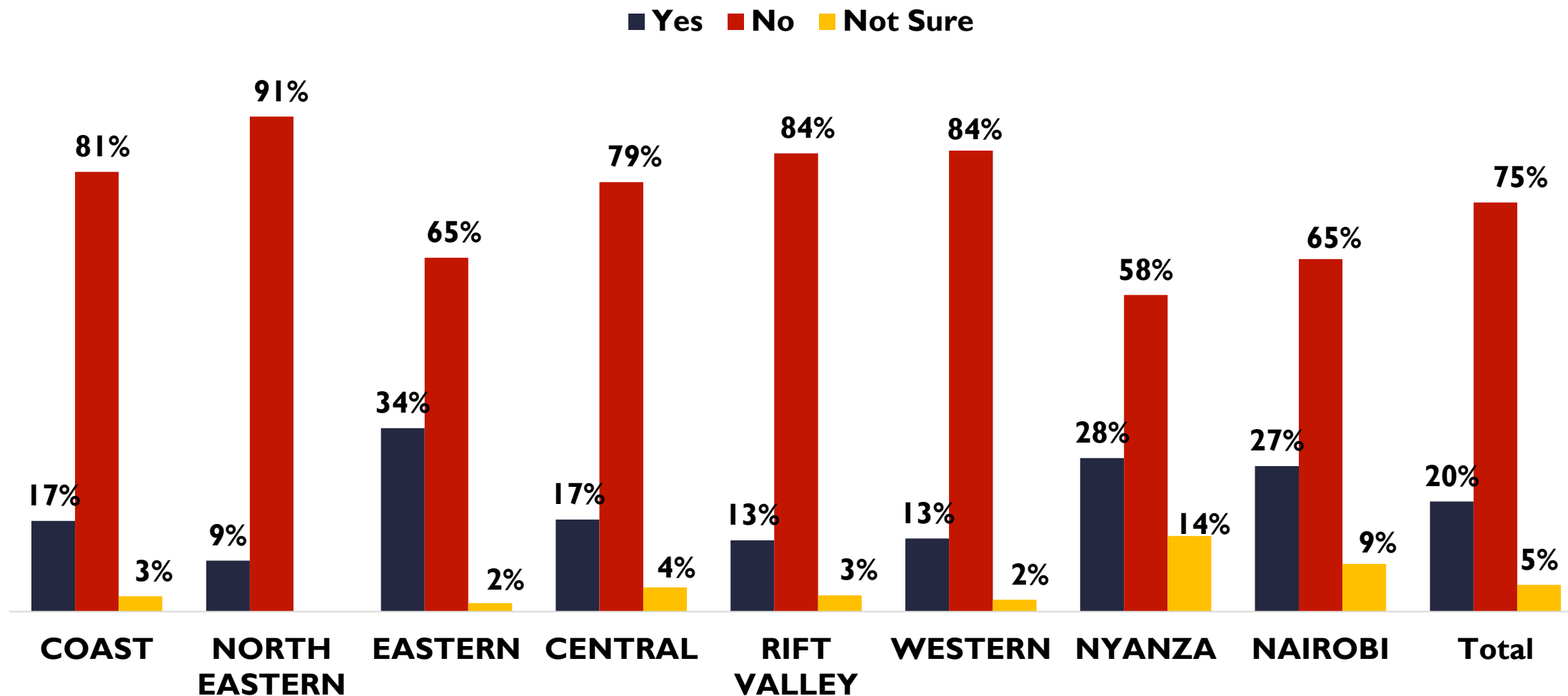
About 8 in 10 Kenyans are unaware of contact tracing and other bio-surveillance apps on their mobile phone devices



“...Yes there is an update that was done on phones. I think it was a tracking app to know where you have been through GPS...” - FGD Participant, Nairobi, Female, 25 – 35 yrs



9 in 10 residents from North Eastern region are unaware of Contact Tracing and Other Bio-Surveillance Apps on Mobile Phone Devices

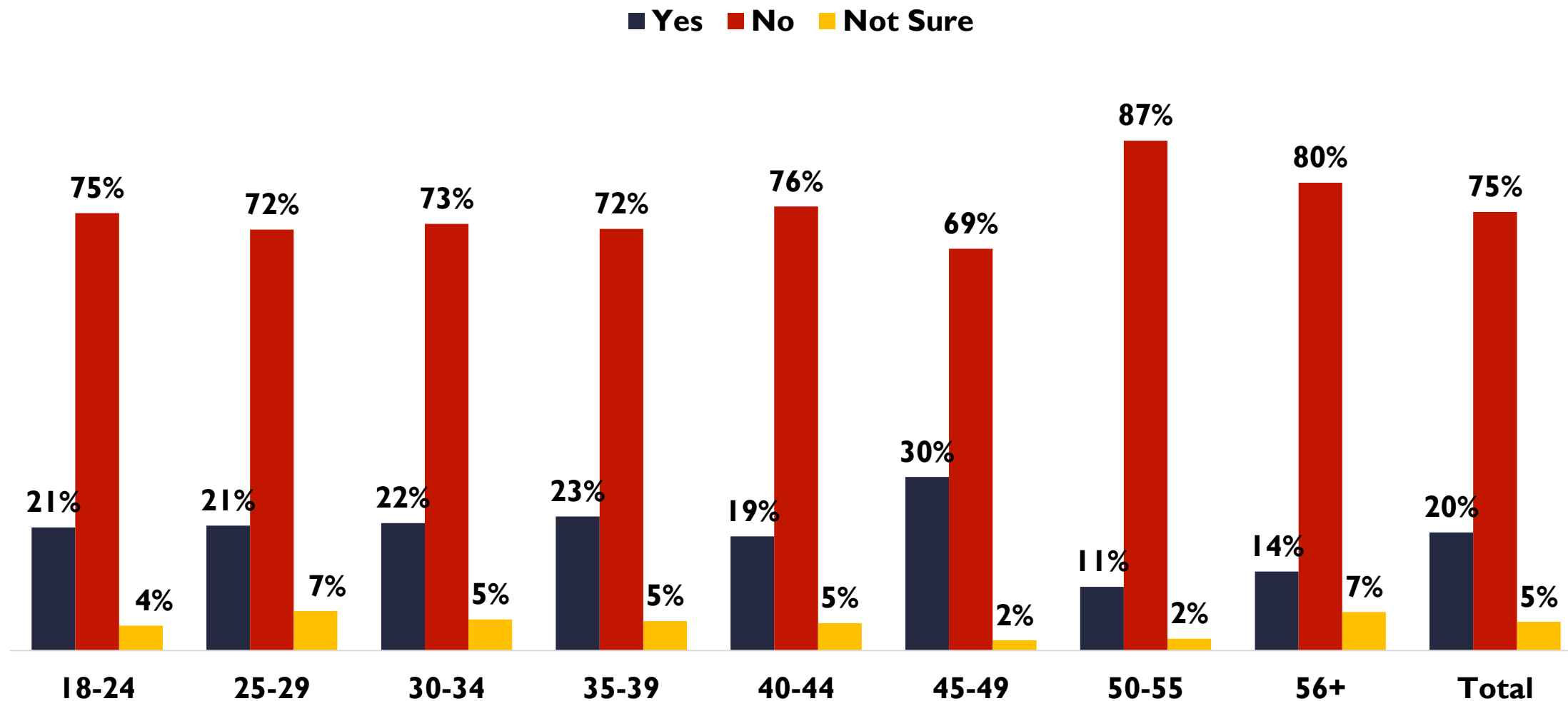


Do you know of contact-tracing and other bio-surveillance apps on your phone?

n = 1521



About 9 in 10 Kenyans aged 50 – 55 are unaware of Contact Tracing and Other Bio-Surveillance Apps on Mobile Phone Devices

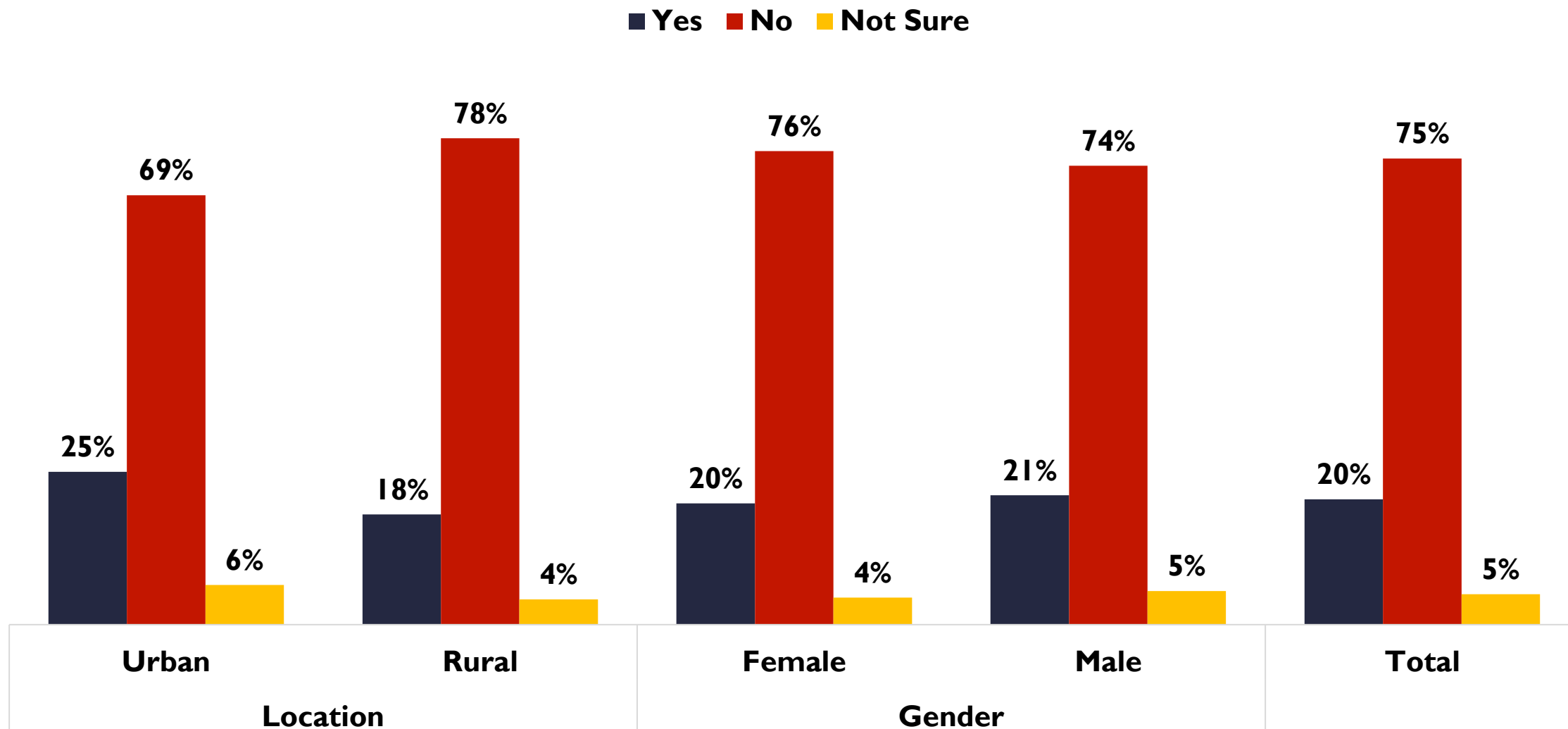


Do you know of contact-tracing and other bio-surveillance apps on your phone?

n = 1521



Awareness of Contact Tracing and Other Bio-Surveillance Apps on Mobile Phone Devices: By Location & Gender

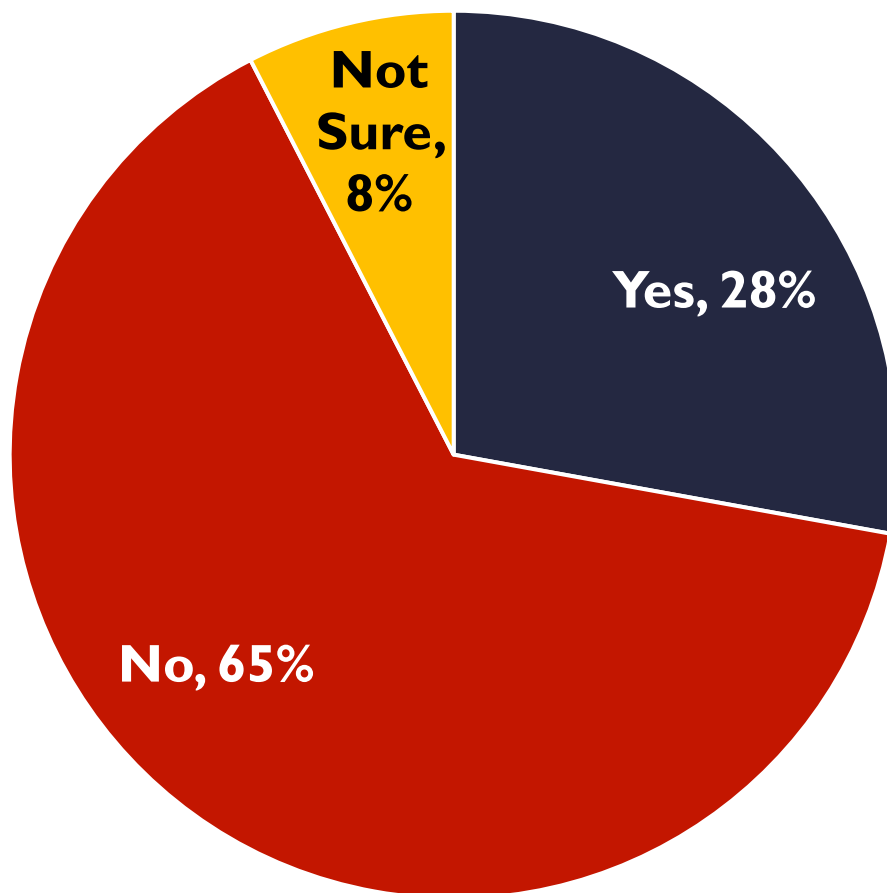


Do you know of contact-tracing and other bio-surveillance apps on your phone?

n = 1521



About 7 in 10 Kenyans who are aware of contact-tracing and other bio-surveillance apps are uncomfortable with them



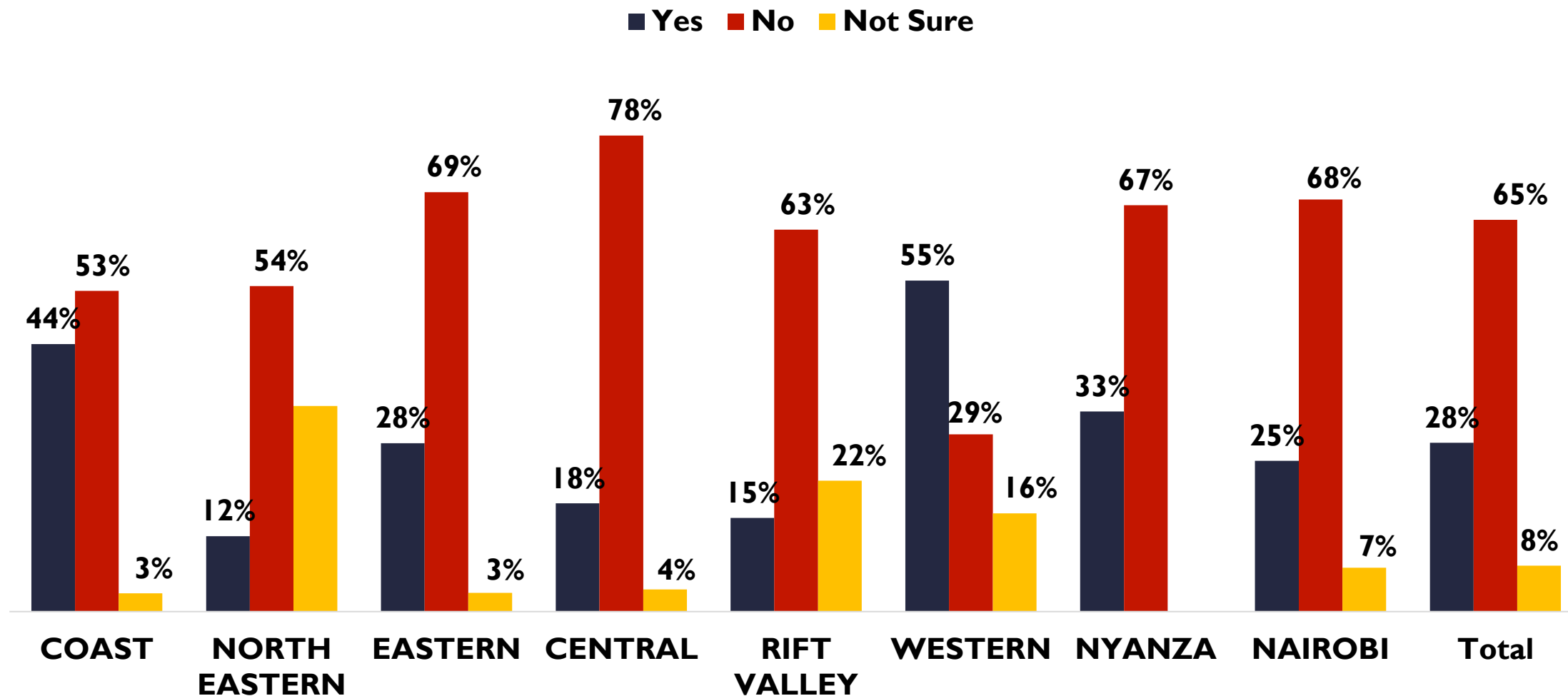
“...I feel very insecure. I need to have my personal life kept private...” - FGD Participant, Mombasa, Male, 36+ yrs

n = 307, Those that are aware of contact tracing and other bio surveillance apps on their mobile phones

Are you comfortable with contact-tracing and other bio-surveillance apps on your phone?



About 8 in 10 residents from Central region who are aware of contact-tracing and other bio-surveillance apps are uncomfortable with them

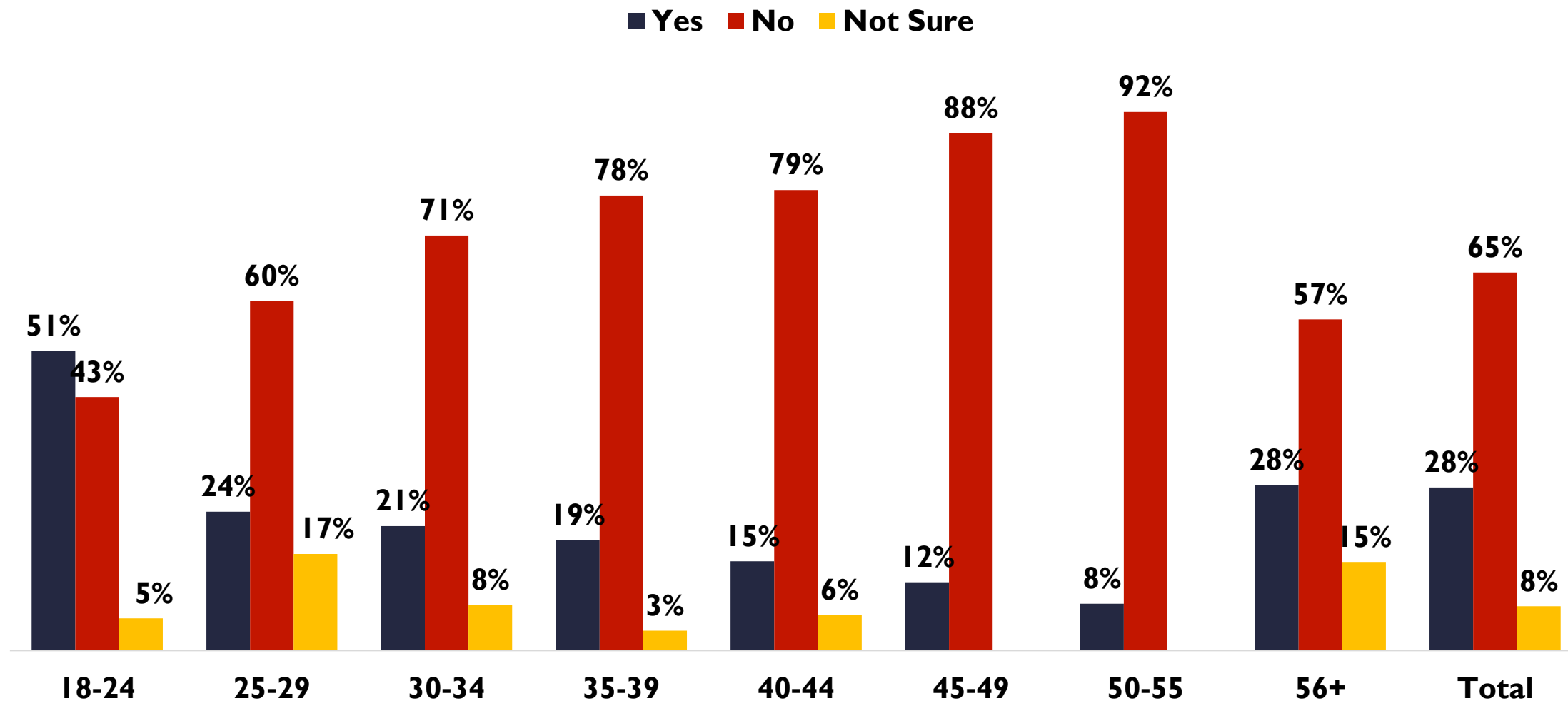


Are you comfortable with contact-tracing and other bio-surveillance apps on your phone?

n = 307



5 in 10 Kenyans aged 18 - 24 who are aware of contact-tracing and other bio-surveillance apps are comfortable with them

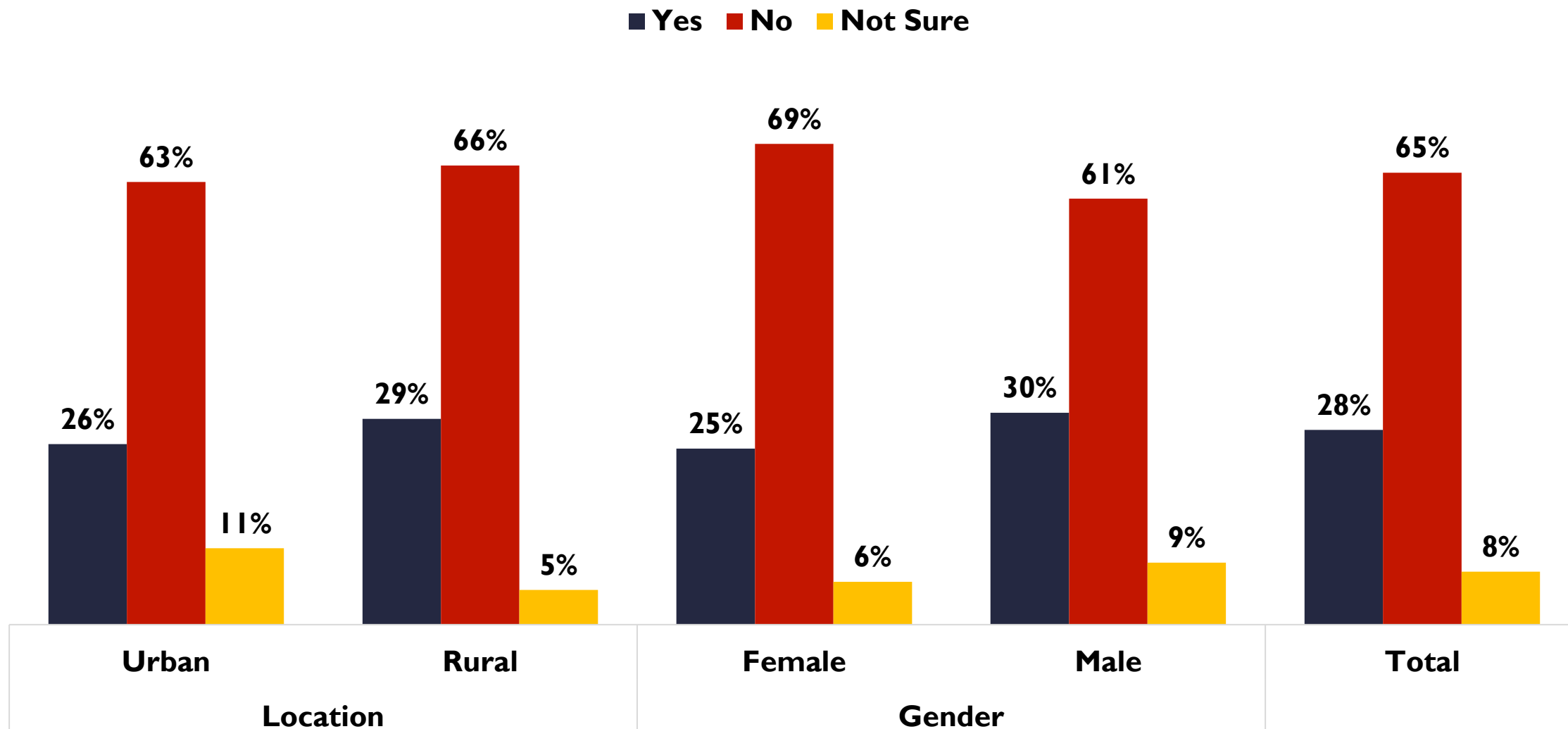


Are you comfortable with contact-tracing and other bio-surveillance apps on your phone?

n = 307



About 7 in 10 Kenyans in Rural areas who are aware of contact-tracing and other bio-surveillance apps are uncomfortable with them; About 7 in 10 women in who are aware of contact-tracing and other bio-surveillance apps are uncomfortable with them

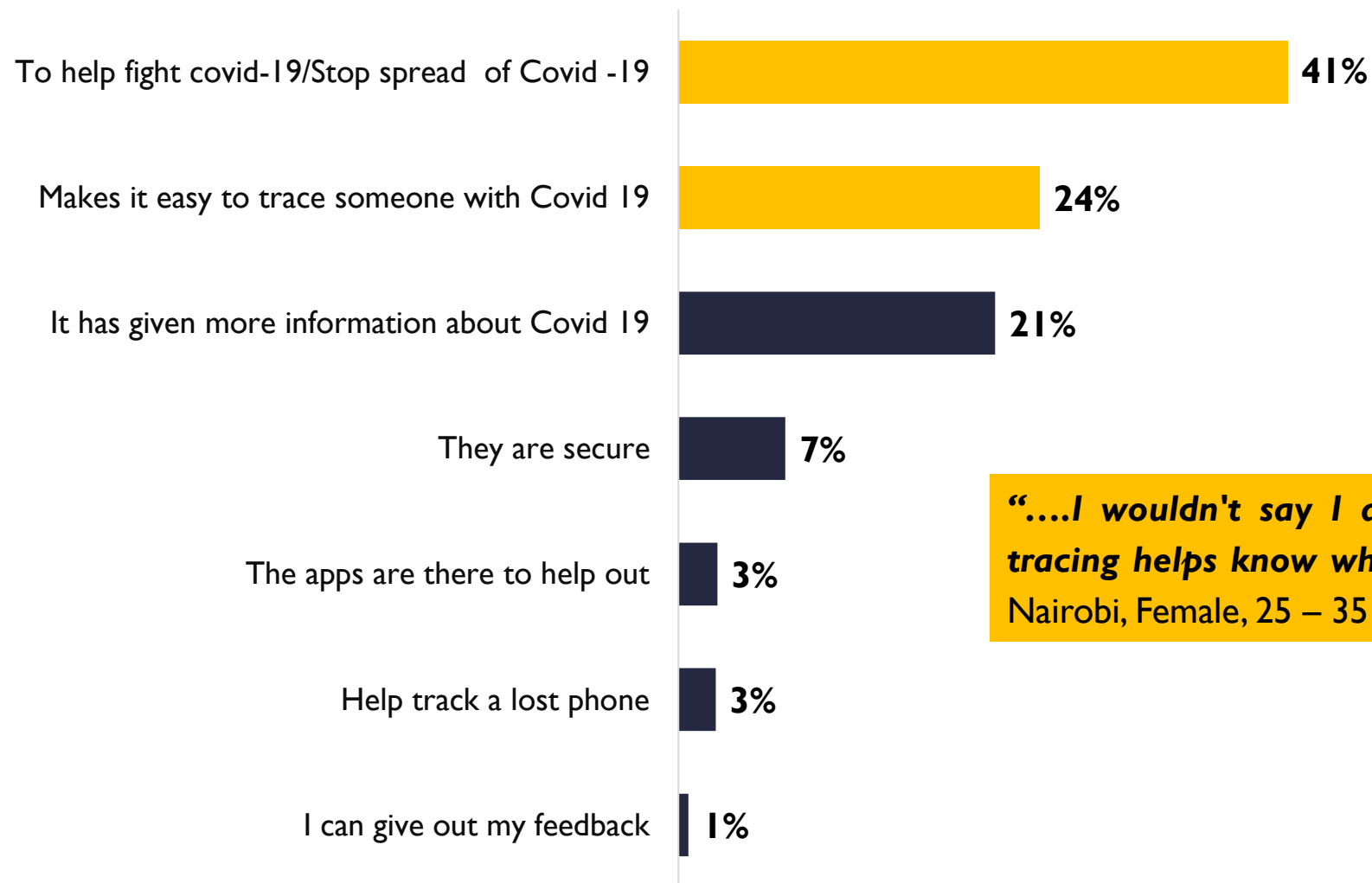


Are you comfortable with contact-tracing and other bio-surveillance apps on your phone?

n = 307



41% of Kenyans who are comfortable with contact tracing /bio surveillance apps cite that they are necessary to help curb the spread of COVID-19; 24% noted that they make it easy to trace people with the virus



“....I wouldn't say I am totally uncomfortable because contact tracing helps know who I have been around....” - FGD Participant, Nairobi, Female, 25 – 35 yrs

n = 85, Those that are comfortable with contact tracing and other bio surveillance apps on their mobile phones

If Yes, why?



EXPERTS' OPINION





The Right to Privacy





There is a sense in which Parliament has not been active enough in coming up with the requisite legislation to give life to Article 31

Implementation of the Article has been slow and beset by numerous challenges, notably the lack of political will and corporate interests

The Government itself is seen as the biggest violator of the Right to Privacy

“...I think one of the duties the members of Parliament had when we promulgated this constitution was to put enabling legislation to enable Kenyans to enjoy these rights. One of the ways to enabling legislation was data protection but we only got a data protection law in November 2019. So the government generally and Kenya at large has lagged behind in realization of the Right to Privacy. We have also seen a number of violations of the Right to Privacy by corporate entities in terms of the way they handle personal data...” – CSO Citizen

What are your thoughts on the implementation of Article 31 of the Constitution on the Right to Privacy?

Generally, the populace is quite ignorant about the Right to Privacy, displaying a rather laissez faire attitude to it

It must be noted however, that fair number of citizens do take the issue of privacy very seriously in their day to day activities

“...Quite apathetic and ignorant about these rights and data protection. The attitude Kenyans have is “I have nothing to hide so why do I care” or they say that the government has the information anyway...” – CSO Citizen

“...It depends. Some know the law and have interacted with the government and Internet so they know the importance (of data privacy). Some people have passwords for every app on their phone. Most people are cynical....” – CSO Citizen

In your estimation, do members of the general public consider the Right to Privacy an important human right?



Implementation of the Data Protection Act



The consensus is that not enough has been done to sensitize the public about the Act

“...I do not think so. I think there is a lot of work to be done by all stakeholders especially by the data commissioner to sensitize Kenyans on the existence of the law itself and how they can exercise their rights. It is important even for commercial interests and the handling of personal data...” – CSO Citizen

“...No because the government rushed things. No one knows the importance of collection information on GPS and DNA. If people were told about these things, they would know the importance. There have been multiple issues that the government hasn't shared with the public...” – CSO Citizen

The Data Protection Act, 2019 outlines comprehensive laws that protect the personal information of individuals by making provision for the regulation of the processing of personal data, provides for the rights of data subjects and obligations of data controllers and processors. Do you think the public has sufficient information about the Act?

Funding

Dependence on other State Agencies

Political interference

“...The first threat is whether the office will be funded sufficiently to carry out its duties; the second one is dependence, whether the ministry of ICT will allow that office which is supposed to regulate even the ministry itself and other government bodies, whether it allow that person to operate in independent manner; the third is whether the data commissioner herself is aware of that requirement of independence and would not stick herself under government as we have seen with other commissions” – CSO Citizen

In your view, what are the greatest threats to the newly created Office of the Data Commissioner?

The success of the Office of the Data Commissioner will largely depend how it is resourced in terms of finances and personnel

“...I think they have the tools and now it depends on how they use them, I have to have evidence on whether I have seen anything that would suggest that the data commissioner would be proactive or not proactive, I have not yet seen any evidence that she will not carry out her mandate because first of all the office has not been set up, the office has two or three officers who have been seconded, they have not been recruited, they do not have physical offices, they do not have a budget as we speak so basically it is a new office that has not really started working – CSO Citizen

Do you believe that the Office of the Data Commissioner will independently exercise its powers and functions?

Failure to operationalise the Data Protection Act

Use of Big Data by Large Corporates

The Government

“...The initial one was meant to be addressed by the passage of the act although the act has not really been in put in operation so that is the first risk; the second risk is big data companies, there is congregation of those companies and the State itself. If you take Safaricom for example, it has the personal data of millions of Kenyans being the biggest mobile telecom company, it also has control over CCTV, software and hardware from that contract they had with the government and it also utilizes the HUAWEI equipment from the Chinese and the Chinese are not known for their fidelity to data protection so there is also that constituency which is a big threat; the other threat is the government itself , if the government does not align itself to protection of data rights and data protection then it is going to be very difficult for this right to be realized...” – CSO Citizen

In your view, what are the greatest barriers to enjoyment of data privacy rights in Kenya?



The process of reporting data privacy breaches is unknown to most Kenyans

Evidently, there is a lack of clear guidelines on the same

“...It is not clear to citizens first of all because the data protection act itself has not really formalized its rules and regulations...” – CSO Citizen

“....Unless you understand a lot about data Privacy, many of us don't even know where to report such cases....” – CSO Citizen

In your opinion, is the process of reporting data privacy breaches or violations clear for citizens? ?

Accessible and transparent complaints procedure

Limiting the scope of data protection laws

“...Purpose limitation as it states that entities are correct and it is confined to that purpose i.e. being specific. There is fair use and being transparent in the essence of being open on what this data aims to do from data collection to processing as it will enhance data protection and lastly is data minimization as it ensures that you have identified that you need data to do your research but to do it you don’t need my DNA data like where I live and collect minimal data as possible. ... ” – CSO Citizen

“.... They should have in place accessible and transparent complaints procedures, how to complain, what actions they take, how long they take, how long they would take to respond to you. I think the other thing is to look the clauses that allow data protection laws to be limited such as national security for public interest according to the act, we really need to clarify what this public interest is and what national security is because almost anything can fall within those two wide terms” – CSO Citizen

In your view, which data protection regulations should be given priority? Why?



NIIMS (Huduma Namba)



There is consensus that there was no adequate public participation before the roll out of NIIMS

The process was highlighted by Government threats and intimidation meaning many Kenyans did not participate in the ultimate process willingly

“...No there was no understanding in terms of explaining to the people of Kenya why they needed it and that is why the government decided to resort to threats, intimidation and rumours to ensure that at the last minute people would rush for it because they thought they would lose access to all Government services. So there was no public participation and in fact the court also reiterated this when it suspended the operation of certain parts of the act for a certain period of time ... ” – CSO Citizen

“.... In my opinion, there was no sufficient public participation because the government used threats to intimidate members of the public to register for the Huduma Namba. In fact if you ask most Kenyans why they registered they will tell you that it was said by the government that if you don't register they will not provide services to the citizens...” – CSO Citizen

Do you think there was adequate public participation before the roll out of NIIMS?

The courts have given direction on how the data collected should be managed

The necessary legislative framework needs to be put in place

“...The courts gave certain parameters for this to continue; Kenya has a robust data protection law that is able to safeguard what some of the concerns of certain people like the Nubian community had but this has not happened. you can't disregard the rule of law which might actually jeopardise the legitimacy of the cards in future...” – CSO Citizen

“...The law protects it but the framework and regulations need to be put in place. The regulations don't state how the data will be stored, what happens when your information is breached intentionally or accidentally or how you will be compensated. It only states that when your data has been breached you will be notified but does not tell you the steps to follow next. There is a big gap that needs to be filled. ...” – CSO Citizen

Do you think the law sufficiently protects the data that has been collected through NIIMS? ?



COVID – 19 and Data Privacy



There is consensus that the Government has not managed personal data collected during the pandemic properly

“....It was unclear what laws they were using to collect some of this data. you know for you to limit some of these rights such as right to privacy you will rely on the principle of legality that your basis is written in law, that it is necessary and that it is justifiable in an open and democratic society so you can say that to some extent it was necessary. I don’t know whether it was proportionate but it was justified but it was not based on any clear law or policy especially with regards to how long they are collecting the data how they will handle it or whether they will transfer it to other data handlers...” – CSO Citizen

Do you think the government has managed personal data collected during the COVID-19 pandemic properly?



While it accepted that the use of technology has helped in curbing the spread of COVID-19, there are concerns as to whether this technology was used lawfully

“.... Most definitely, you need data to make informed decisions. The problem is that perhaps unlike other countries we do not have strong, norms, procedures and laws that govern the handling of data. For example in Norway and Poland they had contract tracing apps that would tell you whether you have intermingled with someone suspected to have had COVID. These are countries where data protection norms exist and people trust the government to handle their data properly and they know that their data is important. The other extreme is China where there were so many things that they employed but their data protection safeguards are not the same as ours, their civil rights are not the same as ours. their courts are under the Communist Party while in other countries the courts are equal with the Executive and Parliament ...” – CSO Citizen

“....It helped or can help in terms of monitoring the effects of Covid-19 but the problem is the extent to which data collection was done under the law....” – CSO Citizen

Do you believe the use of digital technology has helped the Government manage the COVID-19 pandemic better?



The challenge in this regard is using the data collected through these apps only for the purposes it is intended for and to ensure that it is not used in any way to undermine freedoms

“.... I think it creates challenges because the entering new frontiers where big data can be used for very many useful things but can also extend to many terrifying things, you understand ...that basically...right to privacy and give freedom of movement but the same time we need to have fresh conversations about what laws and policies can be used that will balance between our rights and the need of government to control the issues such as pandemic ...” – CSO Citizen

“....That is a major privacy infringement as everyone has right to privacy.....” – CSO Citizen

In your opinion, does the use of contact-tracing and other bio-surveillance apps on citizens mobile phones undermine personal freedoms?



CONCLUSION



- Awareness of the right to privacy is low
- Kenyans who are aware of the Right to Privacy are moderately familiar with it
- Awareness of the Right to Privacy, is underpinned by the acceptance that it is an important human right
- Kenyans who are aware of the Right to Privacy are satisfied with the implementation of Article 31
- Awareness of the Data Protection Act and the establishment of the Office of the Data Commissioner is low
- A majority of Kenyans would like more information about the Office of the Data Commissioner
- The greatest threats to the Office of the Data Commissioner are perceived to lack of adequate funding and interference from other government agencies; interestingly, a majority of Kenyans are of the opinion that the Office of the Data Commissioner will be Independent
- Radio and TV are viewed as the best platforms through which to educate citizens about data protection
- Telecommunications Companies and Mobile Money Agents are seen as the greatest violators of data privacy

- Lack of awareness on rights is believed to be the greatest barrier to the enjoyment of data privacy rights in the country
- Half the population is unaware about where to report a data privacy breach/violation; however, a majority Kenyans would report a data privacy breach/violation with most of them going to the Police to report the same
- Regulations on registration of who have access to citizens data should be given priority as well as regulating those who regulate persons with access to citizens' data/controllers
- A majority of Kenyans did not hear or participate in public events before the launch of *Huduma Namba*
- Less than half of the population are of the opinion that the law sufficiently protects data collected through the *Huduma Namba* initiative
- Kenyans are split on the edict of the mandatory use of Huduma Namba to access government services
- About half of the population are of the opinion that personal data collected during the COVID-19 pandemic has been managed properly; notably, a majority of Kenyans are of the opinion that digital technology has helped manage the COVID-19 pandemic

- Awareness of contact tracing and other bio-surveillance apps on mobile phone devices is low; a majority of Kenyans aware of these apps are uncomfortable with them
- Kenyans who are comfortable with contact tracing /bio surveillance apps cite that they are necessary to help curb the spread of COVID-19 and that they also make it easy trace people with the virus



CALL TO ACTION



Ensure transparency in the handling of data especially on the part of Government

Ensure Public Participation in these processes so that there is sufficient buy-in

Enable and facilitate the Data Commissioner's Office so that it works efficiently

Implement the existing laws and policies on data protection to the letter

Sensitize the public on data privacy accordingly beginning with the Data Protection Act

Protect the public against the misuse of big data by corporates

Thank
You

