

Date: 30th September 2022



To:

**Dr. Simon Rotich, CBS,
Commission Secretary & Chief Executive Officer,
Public Service Commission.**

Cc.

**Chairperson,
Commission on Administrative Justice.**

Dear Dr. Rotich,

RE: Request for Information on Public Advertisement Requesting for Public Views on the Establishment of the Position of Chief Administrative Secretary

The above matter refers.

We make reference to the above advert published in the Daily Nation on 21st Spetemebr 2022 and write pursuant to our individual rights as Kenyan citizens and Transparency International Kenya's organisational mandate pursuant to Articles 10, 35 and 201 of the Constitution of Kenya on: National Values and Principles of Governance; and the right of access to information held by the state.

We note and protest that there was non-disclosure of material facts in form of reports that are needed to make any public participation effort meet its constitutional and legal threshold. We refer to Section 27(1) of the Public Service Act which provides as follows;

27. Conditions for establishment of offices

(1) The Commission may establish an office in the public service after receipt of a written request by an authorized officer of a public body if the Commission is satisfied that:

- a) The request is based on comprehensive plans informed by the public body's workload analysis;
- b) the financial implications of creating the office are indicated;
- c) the office to be created relates to or supports the core functions of the public body;
- d) the office to be created is to be domiciled in the requesting public body;
- e) information on the current authorized establishment, level of grading, designation, extra posts required and evidence of optimum utilization of existing posts has been submitted

This information is material for the public to make input on the establishment of the office and lack of this renders the exercise null and void ab initio. We there request that this information is shared with us within the next 2 days in view of the deadline date set for submissions from the public.

We also request that such information is made public and the deadline extended to allow reasonable timelines for the exercise to be meaningfully conducted in the interest of the public.

Sincerely,



**Sheila Masinde,
Executive Director,
Transparency International Kenya.**




Access to Information Request Template

Art. 35 Constitution of Kenya; s.4 -12 Access to Information Act, 2016

(This form should be filled in duplicate)

SECTION A (to be filled by applicant)

Date of request	30 th September 2022
Name of the Applicant <i>(If institution, name of citizen in charge)</i>	Transparency International Kenya
Applicant(s)' national ID card number	N/A
Applicant(s)' Email	transparency@tikenya.org
Phone	0202727763/5
Name of the public or private entity (PE)(from whom information is being requested)	Public Service Commission
Chief Executive Officer/designate/the head of entity / information access officer (if known)	The Secretary Public Service Commission
Description of the required information: Identify the documents as specifically as possible:	
<ol style="list-style-type: none"> 1. The written request for the establishment of the Chief Administrative Secretary position 2. Comprehensive plans informed by the Office of the President's workload analysis 3. Financial implications of creating the office of the Chief Administrative Secretary including the number of proposed positions, remuneration, support personnel and any other related costs 4. Information on the current authorized establishment, level of grading, designation, extra posts required and evidence of optimum utilization of existing posts 	
Relevant period of information (dd/mm/yy)	From: N/A To:

<p>Preferred form of access (tick appropriately)</p>	<p>i. Inspection <input type="checkbox"/></p> <p>ii. Hard copies <input checked="" type="checkbox"/></p> <p>iii. Soft copies <input checked="" type="checkbox"/></p> <p>iv. Entity's website <input checked="" type="checkbox"/></p> <p>v. Other <input type="checkbox"/></p>
<p>Is the information needed relating to a matter of life or liberty?</p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, the expected date of response is 2 Days</i></p>
<p>If information is needed before the legal deadline of 21 days, State the expected date of response</p>	<p>3rd October 2022</p>
<p>State briefly why response is urgent:</p>	<p>Deadline for submission for public views is set on 6th October 2022. This information is needed to enable meaningful public input.</p>
<p>Signature (applicant):  Date: 30th September 2022</p>	

SECTION B: FOR OFFICIAL USE *(to be filled by the receiving officer/information officer)*

Name of receiving officer

Designation of receiving officer

Date of receipt of application

DD

MM

YYYY

Is the information requested available?

YES

NO

1 All relevant sections of the form should be filled at the time of making the request. The applicant should leave with one copy stamped by the IAO acknowledging receipt.

Cost of making copies, if needed (to be filled within 21 days)	No of pages and cost (cost per page not to exceed market price) ² Total amount:
Contact details (for tracking response to application)	Email: Mobile:
Result of the request	Information disclosed Date..... Format..... Information denied Reasons: i. ii.
Signature Date..... (Information Access Officer/ Receiving officer)	

² In 2017 the cost per page should not exceed 2 Ksh per page for black and white copies or 10 Ksh per page for coloured copies