

PHARMACY AND POISONS BOARD, KENYA	Access to Information Request			Revision No: 02	Effective date 01/02/2022
CSD/CCD/SOP/005	Prepared by Sign: <i>[Signature]</i> Date: 17/01/22	Reviewed Director, CSD Sign: <i>[Signature]</i> Date: 19/01/2022	Checked by HQM Sign: <i>[Signature]</i> Date: 21/1/22	Authorized by CEO Sign: <i>[Signature]</i> Date: 24/1/22	Review Date: 31/01/2025

PROCEDURE FOR HANDLING ACCESS TO INFORMATION REQUESTS

1.0 Purpose

This SOP sets out the steps on how to handle access to information requests at the PPB as stipulated in the Information Sharing Guideline and the Access to Information Act No 31 of 2016.

2.0 Scope

This procedure shall apply to handling of requests/accessing information related to PPB and its mandate, and it is applicable to all internal and external stakeholders

3.0 Definitions

Appeal: Request(s) for reconsideration or reversal of decision to be granted access to earlier denied information.

Citizens: Any person who holds Kenyan citizenship, local entity that is controlled by one or more Kenyan citizens;

Confidential Information: Information or material whose unauthorized disclosure could reasonably cause damage to the operations of the organization.

Information: Any information in written, visual, aural, electronic or any other material form.

Public Officer: Any State Officer or any person, other than a State Officer, who holds a public office.

Request (s): Refers to any or particular kind of information sought related to the organization, its structure, governance, operations and information concerning its work or information generated.

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Requestor: Any individual, organization, partner, stakeholder, government or the general public seeking information held by the organization.

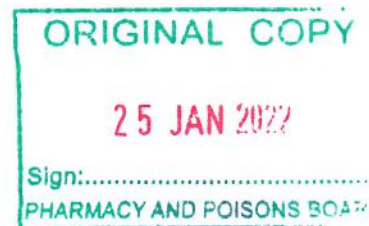
Urgent Request: Information sought concerning the life or liberty of a person as provided for in the Access to Information Act, No 31 of 2016.

Working Days: These are Government designated official working days. Gazetted holidays and weekends shall not be taken as working days.

Request for information: Means external requests requiring an answer from the organization and not falling within the scope of “access to documents”.

4.0 Abbreviations and Acronyms

- PPB: Pharmacy and Poisons Board
- CEO: Chief Executive Officer
- HOD: Head of Department
- CCD: Corporate Communications Division
- CAJ: Commission on Administrative Justice
- RFIs: Requests for information
- IAO: Information Access Office
- RFI: Request for Information



5.0 Responsibility

- 5.1 The CEO shall appoint designated Information Access Officer (IAO) in all directorates who shall ensure that the procedure is implemented and is adequate for its intended use
- 5.2 The Director Corporate Services shall ensure that this procedure is adhered to.

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6.0 Distribution List

6.1 One controlled hard copy to

6.1.1 CEO

6.1.2 Directors

6.1.3 Deputy Directors/Managers

6.1.4 Head, Corporate Communications Division

6.1.5 Head, Quality Management

6.1 Controlled electronic PDF copy to all other staff on the Intranet or PPB shared drive.

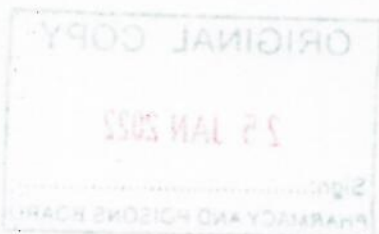
7.0 Procedures

7.1 Information relating to the organization's functions and responsibilities are available to the public and can be accessed from the organization's website www.pharmacyboardkenya.org Information that is not available on/through the website will be made available upon request.

7.2 All Information requests shall be addressed to; The CEO, emailed through; info@pharmacyboardkenya.org or be delivered to the Organization's offices located at Lenana Road, Opposite Russian Embassy, Nairobi.

7.3 The IAO shall record the details of requested information in the organization's Request to **Access Information Register; FOM004/CCD/SOP/005** within 24 hours upon the receipt of the request for information application.

Note: All Access to Information requests must be submitted in writing in English, in the event that the applicant is unable to read and write, or due to disability, the applicant is allowed to make oral requests. The receiving officer



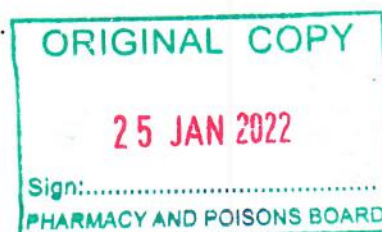
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is required to put down the oral request in writing and make two copies where one will be handed to the applicant.

- 7.4 The IAO shall acknowledge receipt of the request for information within two (2) days and advise the applicant how to access the request to access information form and guide on how to fill it.
- 7.5 The IAO shall process urgent requests to the PPB within 48 hours upon receipt.
- 7.6 The IAO shall process ordinary requests and notify the requester within twenty-one (21) working days.
- 7.7 If it is not possible to handle a request within the above time limits, the IAO shall inform the Requester giving reasons why it needs more time and the estimated date for communicating the information concerned.
- 7.8 Request for Access to Information that is considered as confidential in nature, must be approved by the CEO before the disclosure.

Note: The Requestor will be required to sign the confidentiality form before the information is disclosed as per addendum 2: Confidentiality Agreement Form; FOM005/CCD/SOP/005

- 7.9 The Access to Information Act, 2016 obligates the Board to release official information when it is requested, unless there are good reasons not to. The grounds for withholding information are spelt out in Section 6 of the Act.
- 7.10 Information may be withheld if its disclosure is likely to:
 - a) Undermine the national security of Kenya.
 - b) Impede the due process of law.
 - c) Endanger the safety, health or life of any person.



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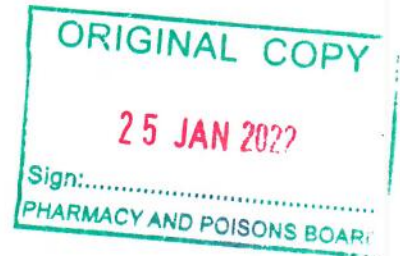
- d) Cause substantial harm to the ability of the Government to manage the economy of Kenya.
 - e) Damage a public entity's position in any actual or contemplated legal proceedings.
 - f) Infringe professional confidentiality as recognized.
- 7.11 Care must be taken, before information is released, to check that such information is not subject to a suppression order before a court of law.
- 7.12 Requests from the media are Access to Information Act 2016 requests and as such, should be processed in the same way as any other request for information. Sometimes the media may ask for the information to be provided in a short time frame to meet the publishing deadline. The Board will try to assist the requester if possible but not to the extent that internal processes are not followed.
- 7.13 The IAO is responsible for ensuring that the proposed response to a request is moved through the audit trail process in a timely fashion and that the statutory timelines are adhered to.
- 7.14 When a response has been prepared, it must be reviewed by Legal unit to ensure that it conforms to the aspirations of the information sharing guidelines and the Access to Information Act, 2016
- 7.15 The IAO is ultimately responsible for the final draft of the response that is sent.
- 7.16 If the requestor is dissatisfied with information provided, he/she can appeal to the CAJ (Office of the Ombudsman), who would be able to conduct investigations and make a decision or conclusion. The decision made by the Office of Ombudsman would be binding.

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7.17 The IAO shall prepare a report and submit to the CAJ (Office of the Ombudsman) on a quarterly basis using the prescribed forms from CAJ.

8.0 Records

- 8.1 Copies of relevant correspondences
- 8.2 Reports
- 8.3 Access information register
- 8.4 Confidentiality agreement form



9.0 References

1. Access to Information Act No.31 of 2016
2. The Constitution of Kenya 2010 (Article 10, Article 33, Article 35, and Article 260).
3. Commission on Administrative Justice Act No. 23 of 2011
4. PPB Service Delivery Charter
5. PPB Communication Policy
6. Human Resource and Administrative Policy & Procedure
7. Information Sharing Guideline - **CSD/CCD/GUD/045**

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Addendum 1: Access Information Register

Pharmacy and Poisons Board	ACCESS INFORMATION REGISTER	FOM004/CCD/SOP/005 Rev No
Name of requesting company/person.....Signature.....Date.....		
Information requested.....		
Issued Name.....Signature.....Date..... by		
Timeline implications (Tick where applicable)	Urgent response required (less than 3 days) <input type="checkbox"/> Response required (3 to 7 days) <input type="checkbox"/> Further extension of time required <input type="checkbox"/>	

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Addendum 2: Confidentiality Agreement Form

Pharmacy and Poisons Board	CONFIDENTIALITY AGREEMENT FORM	FOM005/CCD/SOP/005 Rev No

Confidentiality Agreement

This **CONFIDENTIALITY AGREEMENT** is made **by** and **between**

..... (1st Party)

And

..... (2nd Party)

(Each of whom shall be hereinafter referred to as “Disclosing Party” or “Receiving Party”, as appropriate) as of20.....

Department Reference:

Discussions and information related, but not limited to,

.....
.....

Requestor's

Name/Title.....

Signature.....

IAO's

Name/Title.....

Signature.....