

**Chairperson:** Hon. Florence Kajuju, MBS  
**Vice-Chairperson:** Mr. Washington Sati  
**Commissioner:** Mrs. Lucy Ndung'u, EBS, HSC



THE  
COMMISSION ON ADMINISTRATIVE JUSTICE  
"Office of the Ombudsman"

**Our Ref: CAJ/ATI/M.MED/012/4/19-SNK**

**6<sup>th</sup> September, 2019**

**Ms Susan Mochache, CBS**  
Principal Secretary  
Ministry of Health  
Afya House, Cathedral Road  
P.O. Box 30016 - 00100  
**NAIROBI**

Dear Madam,

**RE: REQUEST FOR DOCUMENTS BY MR JOHN-ALLAN NAMU**

Reference is made to the above matter.

The Commission has carefully considered the request for information in the letter 10<sup>th</sup> May 2019 and the Commission's letters to you referenced CAJ/ATI/M.MED/012/4/19-SNK dated 11<sup>th</sup> June 2019 and 5<sup>th</sup> August 2019. The Commission note that your Office declined to respond to the request for information as well as the Commission's letters. The request for information is made for:-

- a. Documentation pertaining to Kenya Medical Equipment Leasing Scheme being contract(s) between the National Government of Kenya's Ministry of Finance, Ministry of Health and contractors under the Medical Leasing Scheme (MES).
- b. All Memoranda of Understanding between the Ministry of Health and County Governments over the same scheme.

The Commission opines that the requested information is public information/records held by your Ministry. Under the Access to Information Act, the right of access to information is absolute unless limited by section 6 of the same Act.

**Therefore, the Commission pursuant to Powers granted by section 22(3)(a)(i) and 23(2)(a) of the Access to Information Act, 2016 DETERMINES:**

1. **THAT** the Principal Secretary, Ministry of Health do facilitate access to information and records held relating to the request made by Mr. John-Allan Namu dated 10<sup>th</sup> May, 2019.
2. **THAT** compliance with No. 1 be within seven (7) days from the date hereof.

**TAKE NOTICE THAT** section 23(3) of the Access to Information Act, 2016 provides that "A person who is not satisfied with an order made by the Commission under subsection (2) may appeal to the High Court within twenty-one days from the date the order was made."



**LUCY NDUNGU, EBS**  
**ACCESS TO INFORMATION COMMISSIONER**

**CC:**

**John-Allan Namu**

[j-allan@africauncensored.net](mailto:j-allan@africauncensored.net)