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I DESERVE TO KNOW: OMBUDSMAN ORDERS HOMA BAY COUNTY GOVERNMENT AND ASSEMBLY TO DISCLOSE HEADQUARTERS PROJECT INFORMATION

Nairobi | 9 October 2026

Katiba Institute welcomes two rulings by the Commission on Administrative Justice (CAJ), delivered on 8 October 2026, directing the Homa Bay County Government and County Assembly to disclose information concerning the construction of the new county headquarters.

The rulings follow two review applications filed by Katiba Institute after both institutions failed to respond to a request for information submitted on 12 March 2025. The request sought records on project approvals, the lease-to-own financing arrangement with the County Pension Fund (CPF), national government approvals, and the project's financial obligations and implementation status.

The Commission affirmed that both institutions have obligations under Article 35 of the Constitution and the Access to Information Act, 2016. It further clarified that county assembly records are not automatically exempt from disclosure under privileges legislation and that information containing legally exempt material should be disclosed with only the exempt portions redacted.

The County Government must disclose, among other records, approvals for the project, agreements with CPF, and reports detailing financial obligations, including contingent liabilities. The County Assembly must provide certified Hansard records, relevant county legislation, implementation and financial reports, committee records, and supporting documents, subject to lawful redactions where necessary.

The Commission ordered the County Secretary and the Clerk of the County Assembly to facilitate access to the requested information within 21 days. Failure to comply could lead to recommendations for criminal prosecution under Section 28 of the Access to Information Act, 2016.

Commenting on the rulings, Nora Mbagathi, Katiba Institute's Executive Director, said:

“These rulings reaffirm a fundamental constitutional principle: public institutions must be open and accountable to the people they serve. Decisions involving public resources, including long-term financing arrangements and contingent liabilities, cannot be shielded from public scrutiny.”



The decisions strengthen the enforcement of the right to information and affirm the public's right to scrutinise how county governments commit public resources. They also provide important guidance for county assemblies across Kenya, confirming that legislative privileges cannot be used as a blanket justification for withholding public records.

Access to information is essential to meaningful public participation, accountable governance and the effective implementation of the Constitution. Katiba Institute calls on the Homa Bay County Government and County Assembly to comply fully with the Commission's orders.

ENDS.

Rulings:

[Katiba Institute Vs County Assembly of Homabay](#)

[Katiba Institute Vs County Government of Homabay](#)