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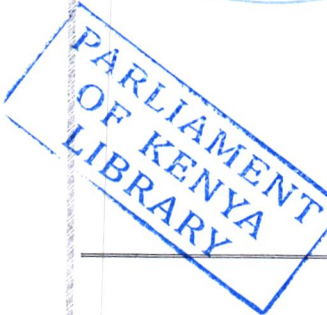


REPUBLIC OF KENYA



SNA
27/3/18

*Paper laid by the Hon
William Kisangy MF
Information - ICT
& Technology, communication
Tuesday 27/3/18
A.S.*



THE NATIONAL ASSEMBLY

12TH PARLIAMENT – SECOND SESSION - 2018

DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION

REPORT ON THE VETTING OF PRINCIPAL SECRETARY NOMINEE FOR
THE STATE DEPARTMENT OF INFORMATION, COMMUNICATION AND
TECHNOLOGY

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

MARCH, 2018

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FOREWARD

Pursuant to Article 155 (3) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, H.E. the President, forwarded to the National Assembly, a notification of nomination containing the name and Curriculum Vitae of Mr. Jerome Okoth Ochieng, Principal Secretary nominee for the State Department of Information, Communication and Technology on 14th March, 2018.

On 15th March, 2018, the notification of nomination was communicated by the Speaker and thereafter referred to the Departmental Committee on Communication, Information & Innovation for vetting and reporting to the House within fourteen (14) days.

The Committee held three (3) sittings to consider the suitability of the nominee. The nominee appeared before the Committee on 26th March, 2018 and was vetted in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and the National Assembly Standing Orders on his suitability or otherwise for appointment as Principal Secretary for the State Department of Information Communication and Technology.

The Committee deliberated on the nominee's duly filled questionnaire in accordance with Section 6 (8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae, reports from relevant authorities, submission made by the nominee including his oral submissions during the vetting at the sitting held on Monday 26th March, 2018.

The Committee in compliance with the Constitutional and other legal requirements and established procedures for vetting, ensured its meetings were open to the public and covered by the media.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. I also take this opportunity on behalf of the Committee to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to the Committee during the exercise. As a Committee, we appreciate the role played by the media following its coverage of the proceedings, thus enhancing accountability, transparency and ensuring the participation of the public.

On behalf of the Departmental Committee on Communication, Information & Innovation and pursuant to Article 155 (3) of the Constitution, Section 8(1) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and the provisions of Standing Order 199(6), it is my pleasure and duty to present to the House for adoption, the Committee's report on the vetting of Mr. Jerome Okoth Ochieng, Principal Secretary nominee for the State Department of Information, Communication and Technology.

Signed.....

HON. KISANG WILLIAM KIPKEMOI, M.P
(CHAIRPERSON)

Date.....

1.0 PREFACE

1.1 Establishment and mandate of the Committee

The Departmental Committee on Communications, Information and Innovation is established under *Standing Order 216* whose mandate pursuant to the Standing Order 216 (5) is as follows;

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. Study and review all legislation referred to it;
- d. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. **To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);**
 - f(a) examine treaties, agreements and conventions;
 - g. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - i. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - j. Examine any questions raised by Members on a matter within its mandate.

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to oversee Communication, Information, media and broadcasting (except for broadcast of

parliamentary proceedings), Information Communications Technology (ICT) development and advancement of technology and modernization of production strategies.

In executing its mandate, the Committee oversees the following State Departments, namely:

- The State Department of ICT and Innovation
- The State Department of Broadcasting and Telecommunication.

1.2 Committee Membership

The Committee was constituted by the House in December, 2017 and comprises of the following Members: -

1. The Hon. Kisang William Kipkemoi, M.P - **Chairperson**
2. The Hon. George Macharia Kariuki, M.P - **Vice Chairperson**
3. The Hon. Liza, Chelule Chepkorir, M.P.
4. The Hon. Alfah, O. Miruka, M.P.
5. The Hon. Annie Wanjiku Kibeh, M.P.
6. The Hon. Joshua Kimilu, Kivinda, M.P.
7. The Hon. Marwa Kitayama Maisori, M.P.
8. The Hon. Mwambu Mabongah, M.P.
9. The Hon. Maritim Sylvanus, M.P.
10. The Hon. Mwangaza Kawira, M.P.
11. The Hon. Jonah Mburu, M.P.
12. The Hon. Gertrude Mbeyu Mwanyanje, M.P.
13. The Hon. Wamuchomba, Gathoni, M.P.
14. The Hon. (Eng) Mark Nyamita Ogola, M.P
15. The Hon. John Kiarie Waweru, M.P.
16. The Hon. Erastus Nzioka Kivasu, M.P.
17. The Hon. Innocent Momanyi, Obiri, M.P.
18. The Hon. Godfrey Osotsi, Atieno, M.P.
19. The Hon. Anthony Tom Oluoch, M.P.

Committee Secretariat

1. Mr. Nicholas Emejien Deputy Director Committee Services

- | | |
|----------------------------|-----------------------|
| 2. Ms. Ella Kendi | Third Clerk Assistant |
| 3. Mr. Ronald Walala | Legal Counsel II |
| 4. Ms. Lorna Okatch | Research Officer III |
| 5. Ms. Catherine Gati | Fiscal Analyst III |
| 6. Mr. Wilson Angatangoria | Serjeant at arms |

2.0 BACKGROUND

2.1 Establishment of the Office of Principal Secretary

The Office of Principal Secretary is an Office in the Public Service established under Article 155 of the Constitution to administer a State Department.

2.2 Nomination of Principal Secretary

Article 155 (3) of the Constitution confers upon the President the power to nominate from among persons recommended by the Public Service Commission, and subject to approval by the National Assembly, appoint a Principal Secretary. It provides that;

“The President shall –

- (a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and,*
- (b) with the approval of the National Assembly, appoint Principal Secretaries”*

2.3 Notification of nomination

In accordance with the provisions of Article 155(3) (e) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approvals) Act, H.E. the President vide a letter dated 14th March, 2018 under reference number OP.CAB.14.1A (*Annexure 1*) forwarded to the National Assembly, for consideration and approval, the nomination of Mr. Jerome Okoth Ochieng as Principal Secretary for State Department for Information, Communication and Technology.

2.4 Committal to the Departmental Committee of the nomination

In his Communication to the House on 15th March, 2018 pursuant to Standing Order 42, the Speaker of the National Assembly informed the House that H.E. the President, by way of a letter dated 14th March, 2018 had nominated Mr. Jerome Okoth Ochieng, as Principal Secretary for the State Department for Information, Communication and Technology. The name was submitted for vetting and approval by the House pursuant to Article 155 (3) of the Constitution.

After conveying the message from H. E., the President on the nomination, the Speaker of the National Assembly forwarded the name of the nominee and his curriculum vitae to

the Departmental Committee on Communication, Information and Innovation to conduct approval hearings.

2.5 Notification to the public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

The Clerk of the National Assembly placed an advertisement in the print media on Friday, 16th March, 2018 (*Annexure 4*) inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advertisements indicated that the submissions were to be received on or before Friday, 23rd March, 2018 at 5.00 pm.

Pursuant to the provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3), the general public was on Friday, 16th March, 2018 notified in the print media by the Clerk of the National Assembly of the intention of the Departmental Committee on Communication, Information and Innovation to conduct the vetting of the nominee on Monday, 26th March, 2018.

2.6 Notification to the nominees

On 16th March, 2018, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, notified the nominee of the date, time, and place for holding the Approval hearing.

2.7 Clearance requirements

On 16th March, 2018 the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB), and the Registrar of Political Parties (RPP) requesting for information with respect to the nominee on the following -

- (a) matters touching on integrity;

- (b) tax compliance;
- (c) loan repayments; and
- (d) Political affiliations.

2.7.1 Higher Education Loans Board

The Higher Education Loans Board had by the date of vetting, 26th March, 2018, not responded to the request by the Clerk of the National Assembly for provision of information relating to clearance of Higher education loan by the nominee.

2.7.2 Kenya Revenue Authority

The Kenya Revenue Authority had by the date of vetting, 26th March, 2018, not responded to the request by the Clerk of the National Assembly for provision of information relating to tax compliance by the nominee.

2.7.3 Ethics and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission vide a letter under Ref. EACC.7/10/5 VOL.V (211) dated 23rd March, 2018 (*Annexure 9*) confirmed that there were no outstanding issues or on-going investigations against the nominee.

2.7.4 Registrar of Political Parties

The Office of the Registrar of Political Parties vide a letter under Ref No. RPP/ORG/34 Vol II (13) dated 20th March, 2018 (*Annexure 16*) confirmed that according to the records held by the office as at 20th March 2018, the nominee was not an official of a registered political party.

2.7.5 Directorate of Criminal Investigations

The Directorate of Criminal Investigations vide a letter under Ref No. DCI/CRO/DSEC/6/7/2/A/VOL. VI/44 dated 20th March, 2018 (*Annexure 16*) cleared the nominee.

2.8 Issues for consideration in conducting the Approval hearing

The Committee observed that the issues for consideration in relation to the approval exercise are as provided under section 7 of the Public Appointments (Parliamentary Approvals) Act, as follows-

- a) the procedure used to arrive at the nominee;
- b) the constitutional and statutory requirements relating to the office in question; and
- c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.

(a) Procedure used to arrive at the nominee

The procedure for appointment of a Principal Secretary is outlined under the Constitution and the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee observed that Article 155(3) of the Constitution and the Public Appointments (Parliamentary Approvals) Act provides that nomination of Principal Secretaries is a constitutional prerogative of the President on recommendation by the Public Service Commission as there is no further procedure prescribed in the Constitution or statute law.

(i) Leadership and Integrity

The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- i. Article 73 (2) of the Constitution which provides that the guiding principles of leadership and integrity include –
 - (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by —
 - (i) honesty in the execution of public duties; and

- (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.
- ii. Article 75(1) of the Constitution that requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution that prohibits a State Officer who has been removed from office under that Article from holding any other State Office.
 - iii. Article 77(1) of the Constitution that prohibits a full time State Officer from participating in any other gainful employment.
 - iv. Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.
 - v. Article 78 of the Constitution that disqualifies persons who are not Kenyan Citizens and persons holding dual citizenship from appointment as State Officers.

(ii) Suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made

The Committee observed that suitability of the nominee should be evaluated holistically taking into account the nominee's academic credentials, professional training, experience, background and personal qualities as well as the performance of the nominee during the approval hearing.

The Committee's observations and resolutions on the nominee are contained in another section of this report.

2.9 Memoranda from members of the public

The Clerk of the National Assembly placed an advertisement in the print media on Friday 16th March, 2018 inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

By close of business on Friday 23rd March, 2018 at 5.00 p.m., the Committee had not received any written statement(s) on oath in respect of the suitability or otherwise of the nominee.

3.0 APPROVAL HEARINGS/VETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF PRINCIPAL SECRETARY FOR THE STATE DEPARTMENT OF INFORMATION, COMMUNICATION AND TECHNOLOGY

The Committee held a sitting on Monday, 26th March, 2018 at 9.30am to deliberate on the approval hearings and the following were highlighted -

- (a) That, by the deadline date of 23rd March, 2018 the Clerk of the National Assembly had not received any written statements on oath in respect of the suitability or otherwise of Mr. Jerome Okoth Ochieng, Principal Secretary nominee for the State department for Information, Communication and Technology; and
- (b) That, the nominee had not notified the Clerk of the National Assembly of withdrawal from the approval process as outlined under Section 6(10) of the Public Appointments (Parliamentary Approvals) Act.

The Committee resolved to undertake the approval hearing as scheduled and communicated to the members of the public and the nominee.

In conducting the approval hearings, the Committee on Communication, Information and Innovation examined the nominee against the following criteria as set out in the Public Appointments (Parliamentary Approval) Act -

- i. Academic qualifications;
- ii. Employment record;
- iii. Professional affiliations;
- iv. Potential conflict of interest;
- v. Knowledge of the relevant subject;
- vi. Overall suitability for the position;
- vii. Integrity;
- viii. Vision and leadership; and
- ix. Expectations and key priorities.

3.1 MR. JEROME OKOTH OCHIENG - PRINCIPAL SECRETARY NOMINEE FOR THE STATE DEPARTMENT FOR INFORMATION, COMMUNICATION AND TECHNOLOGY.

Mr. Jerome Okoth Ochieng appeared before the Committee on Monday, 26th March, 2018 at 9.30am and was interviewed pursuant to the provisions of the Constitution, Public Appointments (Parliamentary Approvals) Act and the Standing Orders of the National Assembly. The nominee responded to several questions during the vetting as follows –

Personal Background

1. Mr. Jerome Okoth Ochieng, is a Kenyan citizen of Identity Card Number 10774338 and was born in Nakuru County in 1970. He is a married man.

Educational Background

2. He holds a Masters Degree in Engineering from the University of the Ryukus, in Okinawa Japan (2003 to 2005) and a Bachelor of Science degree (Mathematics/Computer), 2nd Class Honor's (Upper Division) from the University of Nairobi (1994).
3. Holds a Diploma Course from the Institute for the Management of Information System
4. Attended Group training Course in Computer (Client- Server system designer in Okinawa International Centre – Japan.

Professional Memberships & Affiliations

5. The nominee has the following professional affiliations:
 - i) Fellow Computer Society of Kenya
 - ii) Licentiate Member of Institute of Management Information Systems (UK)

Work Experience

6. He informed the Committee that, he has a wealth of experience in Public Service having worked in various positions as follows:
 - (a) Director, Integrated Financial Management Information System (IFMIS), National Treasury - 2013 to date he is.
 - (b) Manager ICT, Public Procurement Oversight Authority - 2007 to 2011
 - (c) Assistant Director of ICT at Government Information Technology - 2007 to 2011.

- (d) Principal ICT Officer at Government Information Technology Services - 2006 to 2007
- (e) Chief ICT Officer at Government Information Technology Services between January - 2006 to August 2007
- (f) Senior ICT Officer at Government Information, Technology Services - 2005 to 2006
- (g) ICT Officer I, Government Information, and Technology Services - 1997 to 2005.

Published Writings

7. The nominee has published academic writings on the following -
- (a) the challenge of adopting electronic government procurement in developing Countries a Kenya experience;
 - (b) development and Reforms of the Kenyan Public procurement System; and
 - (c) presentation on design and development of the e-learning for public procurement.

Potential Conflict of interest

8. The nominee stated that he had no personal interests in the sector and neither did his family.

Probono/charity Work

9. He has participated in charity activities. As a secretary to the development committee for KUSA Catholic church , he contributed Kshs.200,000 in the last two years.

Integrity

10. The nominee has no integrity issues having been cleared by the Ethics and Anti-Corruption Commission. Equally, no member of the public raised an issue about him.

Suitability of the nominee for appointment as Principal Secretary, State Department of Information, Communication and Technology

11. The nominee informed the Committee that, he had the necessary qualifications and extensive experience in the public service having worked in government for 27years. He had worked in the government Information Technology Services from year 1997 to 2011 rising from ICT Officer I to Assistant Director of ICT hence gaining a lot of experience in the ICT sector.

On the Status of KBC and how to resolve the challenges it's facing.

12. He stated that currently KBC was facing financial challenges and there was a need to make it an economically viable. He would, if approved and appointed, address the issue by re-engineering it from the traditional to a more advanced way of broadcasting through SWOT analysis.

On the effectiveness of Integrated Financial Management Information System (IFMIS)

13. Being Director IFMIS from the year 2013 to date, the nominee note that IFMIS has been eighty percent successful in that it has;
- (a) enabled efficient resource allocation mechanisms
 - (b) improved management of information for easy decision making
 - (c) established effective links between key players in accounting and financial management
 - (d) improved financial controls by availing reliable and timely financial information,
 - (e) Has improved confidence through transparency
 - (f) Has increased government revenue

Address on the issue of Corruption

14. Mr. Ochieng informed the Committee that, he would use the inter-agency approach whereby, he would involve the relevant institutions to review the problem and come up with solutions. In addition he would use the emerging trends in the ICT sector to tighten up the accessibility of the IFMIS.

Harmonization of the constituency Innovation Hub Programme:

15. The nominee stated that, in consultation with the National Government Constituency Development Fund Committees in the constituencies and the government, he would build synergies to ensure that the setting up of CIHs takes into consideration the existing infrastructure to reduce the cost of development and installation.

Key highlights of the ICT roadmap in Kenya

16. Mr. Ochieng informed the Committee that, he would focus on three key highlights which are; ICT infrastructure, ICT application and human Capital

Dominance in the telecommunication Sector

17. He stated that he would focus on consumer protection and particularly portability which allows the consumers to use any network freely. In addition he would review the dominance report done by the Communications Authority to come up with a more informed decision.

The place of ICT in the Big 4 economic

18. The nominee informed the Committee that, the ICT sector was a key enabler in the achievement of the big four agenda;
- (a) The digitization of housing records to enhance investor confidence and promote affordable housing to all Kenyans.
 - (b) Innovating and strengthening a warning system to provide timely weather and climate information which is vital for farmers. This is to spearhead the increment of food security and nutrition in the country.
 - (c) Promoting the use of e-procurement, online access of medical supplies, digitization of health information management especially the national Hospital Insurance Fund, to guarantee quality and affordable healthcare.
 - (d) Supporting value addition and raising the manufacturing sectors share of GDP to will accelerate economic growth, create jobs and reduce poverty;

4.0 COMMITTEE OBSERVATIONS

The Committee having considered the nominee's Curriculum Vitae, other written and oral and submissions during the vetting exercise, made the following observations, that the nominee -

1. Had satisfied the requirements of chapter six of the Constitution of Kenya on Leadership and Integrity having been cleared by the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigations, and the Registrar of Political Parties.
2. Has never been charged with a criminal offence in a court of law and has no potential conflict of interest with regard to the position he had been nominated to.
3. Has never been dismissed from office for contravention of the provisions of article 75 of the constitution which deals with conduct of State Officers that are adversely mentioned in any investigatory report of Parliament or any commission of inquiry.
4. Has the necessary qualifications and extensive experience in the public service as seen from the documentation presented to the Committee.
5. Has the right attitude and commitment to serve in the position for which he had been nominated as observed from the way he responded to the Members' questions on ICT related issues during the approval hearing.
6. Does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
7. Exhibited impressive knowledge and understanding of issues relating to the docket he had been nominated for appointment

5.0 COMMITTEE RECOMMENDATION

Having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 155(3) of the Constitution and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and National Assembly Standing Order 216 (5) (f), the Committee recommends that the National Assembly approves the nomination of Mr. Jerome Okoth Ochieng for appointment by H.E. the President to the position of Principal Secretary, State Department of Information, Communication and Technology.

SIGNED.....

**THE HON. WILLIAM KISANG, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION**

DATE:.....