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DATE	<i>18/7/18</i>		
TABLED BY	<i>Sen. Ma</i>		
COMMITTEE	<i>Finance</i>		
CLERK AT THE TABLE	<i>Deborah</i>		

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REPORT
OF THE STANDING COMMITTEE ON FINANCE AND BUDGET
ON
THE COUNTY STATISTICS BILL, 2018

CLERK CHAMBERS
THE SENATE
PARLIAMENT OF KENYA
NAIROBI

JULY 2018

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ABBREVIATIONS AND ACRONYMS

KIPPRA	- Kenya Institute for Public Policy, Research & Analysis
KNBS	– Kenya National Bureau of Statistics
IBP-K	- International Budget Partnership – Kenya Chapter
COG	- Council of Governors

PREFACE

Mandate and Functions of the Committee

Article 124 of the Constitution of Kenya, provides for the establishment of Committees by either House of Parliament. Committees are central to the workings, roles and functions of Parliament as set out in Article 94 and more specifically in Article 96 of the Constitution as regards the Senate.

Parliamentary committees consider policy issues, scrutinize the workings and expenditure of the national and county governments and examine proposals for legislation. The roles of committees are twofold, investigative process and deliberative process. The end results of these processes are reports to the House in plenary on inquiry of certain issues under the mandate of a particular committee.

The Standing Committee on Finance and Budget is established pursuant to section 8 of the Public Finance Management Act, 2012 and standing order 212(3) of the Senate Standing Order and is mandated –

- a) *To investigate, inquire into and report on all matters relating to coordination, control and monitoring of the county budgets and to examine –
 - i) the Budget Policy Statement presented to the Senate;
 - ii) report on the Budget allocated to Constitutional Commissions and independent offices;
 - iii) the Division of Revenue Bill, County Allocation of Revenue Bill, and cash disbursement schedule for county governments.*
- b) *To consider all matters related to resolutions and Bills for appropriations, share of national revenue amongst the counties and all matters concerning the National Budget, including public finance and monetary policies and public debt, planning and development policy and*
- c) *To pursuant to Article 228 (6) of the Constitution, to examine the report of the Controller of Budget on the implementation of the budgets of county governments.*

Membership of the Committee

The Committee was constituted by the House on Thursday 14th December, 2017, during the First Session of the Twelfth (12th) Parliament. The Committee as currently constituted, comprises the following Members-

1. Sen. (Eng) Mohamed M. Mahamud, CBS,MP - Chairperson
2. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
3. Sen. Wetang'ula Moses Masika, EGH, MP - Member
4. Sen. Mutula Kilonzo Junior, MP - Member
5. Sen. Aaron Cheruiyot, MP - Member
6. Sen. (Dr.) Ali Abdullahi Ibrahim, CBS, MP - Member
7. Sen. (Dr) Rose Nyamunga, MP - Member
8. Sen. Boniface Mutinda Kabaka, MP - Member
9. Sen. CPA Farhiya Haji, MP - Member

EXECUTIVE SUMMARY

The County Statistics Bill (Senate Bill No. 14 of 2018) was sponsored by Sen. Farhiya Haji Ali, and published on 15th March, 2018. The bill was read a First Time on 10th May, 2018. Following the First Reading, the Bill, stood committed to the Standing Committee on Finance and Budget pursuant to standing order 134 (1) of the Senate Standing Orders.

Subsequently, the Committee considered the Bill and resolved to subject it to public hearings pursuant to Article 118 of the Constitution and Standing Order 134 (5). The Committee invited submissions from members of the public on the Bills via advertisements on the newspapers. The Committee also invited the Council of Governors, Kenya Institute of Public Policy and Research Analysis (KIPPRA) and Ministry of National Planning.

The Committee received written submissions on the Bills and held a public hearing on 30th May, 2018. The Ministry Planning through Kenya National Bureau of Statistics (KNBS), Council of Governors, International Budget Partnership (IBP-K) and Kenya Institute of Public Policy and Research Analysis (KIPPRA) raised concerns with some provisions and proposed changes to the bill.

The Committee thereafter, considered all the views raised by the stakeholders and proposed changes. Consequently, the Committee proposed amendments to the Bill as attached annex 1.

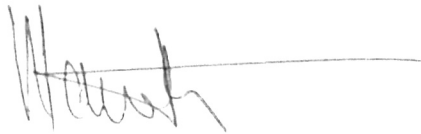
ACKNOWLEDGEMENT

The Committee is grateful to the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of its meetings and the public hearing. The Committee also thanks KIPPRA, COG, IBP-K, KNBS and members of the public who made submissions, both orally and in writing.

On behalf of the Committee and pursuant to standing order 227 (2) it is now my pleasant and honourable duty to present and lay on the table of the house the report of the Finance, Commerce and Budget Committee on, 2016.

It is now my pleasant duty and privilege, on behalf of the Standing Committee on Finance and Budget, to present to the Senate, this Report of the Committee on the County Statistics Bill, 2018.

SIGNED:



.....

SEN. (ENG) MOHAMED M. MAHAMUD, CBS, M.P.

(CHAIRPERSON, STANDING COMMITTEE ON FINANCE AND BUDGET)

4/7/18

Date:

Pursuant to standing order 207 (2) of the Senate Standing Orders, the Senate Standing Committee on Finance and Budget Committee adopted the report on County Statistics Bill, 2018. The Members of the Committee hereby affix their signatures to this Report to affirm the support for the Report –

Sen. (Eng) Mohamed M. Mahamud, CBS,MP -Chairperson 

Sen. (Dr) Isaac Mwaura, CBS, MP -Vice Chairperson _____

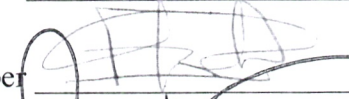
Sen. Wetang'ula Moses Masika, EGH, MP - Member _____

Sen. MutulaKilonzo Junior, MP - Member _____

Sen. Aaron Cheruiyot, MP - Member 

Sen. (Dr.) Ali Abdullahi Ibrahim, CBS, MP - Member 

Sen. (Dr) Rose Nyamunga, MP - Member _____

Sen. CPA Farhiya Haji, MP - Member 

Sen. Boniface Mutinda Kabaka, MP - Member 

I. CHAPTER ONE: INTRODUCTION

The County Statistics Bill, 2018 was sponsored by Sen. Farhiya Haji, and published on 15th March, 2018. It was read a First Time on 10th May, 2018.

The principal objective of this Bill is to put in place a framework for the collection, analysis and dissemination of statistical information by the county governments

Statistics are an important part of the planning process for any government and they also act as a yardstick for governments to determine whether they are meeting their goals in providing services to their people.

This Bill therefore seeks to establish a county statistical system that will assist county governments to plan for the development of counties and to measure the gains made by the county governments in improving the lives of the people in the counties.

The collection of statistics is governed by the Statistics Act (Cap 112) which was enacted prior to the promulgation of the constitutional framework, Constitution of Kenya, 2010. Notably, Part 2 of the Fourth Schedule to the Constitution provides for county statistics as one of the functional areas of county governments. The Bill therefore seeks to provide a legal framework for counties to collect, collate and analyse data that is specific to a particular county in order to enhance planning and decision making in the counties.

The Bill provides for the establishment of a county statistics office in every county, which shall be responsible for among others-

- (a) collecting, compiling, analyzing, abstracting and disseminating statistical information on the functions devolved under Part 2 of the Fourth Schedule to the Constitution;
- (b) ensuring coordination of the operations county government bodies involved in the compilation and dissemination of statistics and related information with particular regard to-

- (i) the avoidance of duplication in the collection of statistical information;
 - (ii) the attainment of compatibility and the integration of statistics compiled by official bodies; and
 - (iii) the maximum possible utilization for statistical purposes of information and means of collection of information available to official bodies;
- (c) advising the county government on all matters related to the use and development of statistical information;
 - (d) providing liaison between the national government and county government on matters relating to statistics;
 - (e) coordinating the county statistical system;
 - (f) developing and using statistical standards and appropriate methodologies, subject to the direction of the committee, in the county statistical system; and
- monitoring the technical quality of official statistics and promoting adherence to good practices and international recommendation and standards.

The bill proposed:

- a) that the county statistician who shall be the head of the county statistics office is to be recruited competitively and appointed by the county public service board.
The county statistician.
- b) a forum for consultation and coordination in matters relating to statistics since both levels of government have a role in the collection, analysis and dissemination of statistical data in the country
- c) that the county statistics offices should ensure access to statistical information to the public pursuant to the Access to Information Act, No. 31 of 2016,
- d) that the Bill requires the county executive committee member who is responsible for statistics in the county to prepare an annual report to the Governor, which is to be disseminated to the public and tabled in the Senate and the relevant county assembly.

II. CHAPTER TWO: STAKEHOLDERS' SUBMISSION

The Committee further received written and oral submissions on the County Statistics Bill, 2018 as follows-

Submissions from the KIPPRA

The representative of the Kenya Institute of Public Policy and Research Analysis (KIPPRA) attended the meeting and made submissions as follows:

- a) The bill was to ensure that it promotes efficiency and consistency in the data collection as well as synergies between national and county government levels in implementing the 4th Schedule of the constitution;
- b) A clear policy framework would have played a key role in guiding such critical law as well as reviewing the Statistical Act, 2006;
- c) There was need for a well-planned coordination between national statistics and the county statistics by providing a clear mechanism to ensure efficiency, quality and timelines were not compromised especially where international standards and codes were required to be utilised;
- d) The Statistics Act which was under review needed to be aligned with the provisions in the County statistics bill;
- e) To ensure cost effectiveness the counties should adopt the already existing KNBS infrastructure including the international statistical systems and the human capital expertise;
- f) Clause 8 provided for consultative Committee which appeared as an independent organ with policy and oversight roles.
 - i) That introduced another layer of statistical administration of which it was not clear how its decisions would reach the counties.

- ii) Proposed that the role should remain within the county executive with proper coordination with KNBS.
- g) Clause 12(5) failed to recognise that statistical standards and procedures were set internationally, like common wealth countries statistical standards and procedures. The county statistician should only adopt the existing standards and procedures;
- h) Clause 14 - its application would stifle statistic collection and analysis in the county. Secondly, three months' notice requirement may delay and make research work cumbersome and expensive;
- i) Clause 18(2) it was not clear why the county statistics report would be shared with KNBS. Further, how would the discrepancies and aspects of timeliness be resolved?
- j) The role of county assembly in statistical process was not well defined other than receiving the annual reports;
- k) The role of counties during periodic national surveys was not defined; and
- l) Proposed amendments of Statistic Act, 2006 to strengthen KNBS and mandate it to decentralize and coordinate counties to collect statistics. Further, provide mechanism to link county statistics with national statistics.

Submissions from the KNBS

The representative of the Kenya National Bureau of Statistics (KNBS) attended the meeting made their submissions on the bill as indicated herein.

- a) the bill was important in that it aimed at providing establishment of county statistics which was a critical unit at county level;
- b) production of accurate statistics was important since they facilitate proper planning;
- c) the bill had a few issues which they proposed amendments as follows-
 - i) clause 4(c) be amended to replace '*official bodies*' with '*coordinating the operations of the county in compilation and dissemination of statistics and related information with particular regard to*'
 - ii) clause 8
 - ✓ replace the name of the Committee with 'Inter-Governmental Consultative Committee on Statistics'
 - ✓ (a) should be deleted since the Committee was technical: county governor need not be the Chairperson.
 - ✓ (b) principal Secretary, State Department responsible for Statistics to chair the Committee
 - ✓ (4) be deleted since KNBS may not be in a position to provide resources to support the Committee.
 - iii) Harmonise clauses 12(5) with 4(2) such that the function of establishing standards and promotion of best practices and methods in statistical production should be at national level; this would ensure quality standards were maintained.

- iv) Rephrase clause 13 to provide the code of practice and setting out of professional standards was a mandate of KNBS and all county statistician shall adhere,
- v) Clause 15(3) should be deleted as it was ambiguous,
- vi) Clause 19 should be amended to provide for offenses and penalties for a person who fraudulently, dishonestly gives inaccurate or false information,
- vii) Provide an additional clause (clause 22) 'should any provisions of this Act be in conflict with the provisions of the Statistics Act, the provisions of the Statistics Act shall prevail, and
- viii) KNBS should be the depository for statistics including aggregated statistics from counties. Thus, there was need to provide a channel of information flow from counties to the KNBS.

Submission from the IBP- K

The International Budget Partnership (IBP)- Kenya submitted their memorandum indicating as follows:

Clause	Issue	Proposal
2	The terms 'statistics' is not defined	Insert: 'statistics' means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and statistical methodology;
4	The Bill does not oblige the County Statistician to cooperate with users of county statistics.	Insert between (d) and (e): (e) co-operate with the users of official county statistics in the national and county government, members of public and private bodies and the general public.
5		Insert:

Clause	Issue	Proposal
		<p>(3) Despite clause (1) and (2) above, The County Statistician may, for statistical purposes, disclose data gathered in the course of statistical data collection on condition that: -</p> <ul style="list-style-type: none"> (a) The disclosure is to a state officer who has taken the oath of confidentiality; (b) the disclosure is to the person from whom such information was collected or his or her representative; (c) the disclosure is with the prior written consent of the person from whom information was collected; (d) the information is already available to the public from the organ of state, business or other organisation concerned; (e) the name, address or any other means by which the respondents may be identified is deleted; and (f) the County Statistician is satisfied that the disclosure of such information shall not endanger the individual, household, business, organ of state or other organisation. <p>(4) Where the information is already available to the public from the organ of state, business or other organisation concerned and concerns a matter of public interest, the County Statistician must ensure that the information is: -</p> <ul style="list-style-type: none"> (a) compiled, reported and documented in a scientific and transparent manner; (b) disseminated impartially; and, (c) publicly accessible in accordance to the Access to Information Act, 2016.
11(2)	The Kenya National Bureau of Statistics and the offices of the county statistician shall, in terms of the Access to Information Act, ensure	Replace the phrase “other parties” with the phrase “other government agencies, other sectors of society and the general public.”

Clause	Issue	Proposal
	access to their respective statistical information by the other parties .	
14	<p>(a) A person other than the county statistician or an officer of the Kenya National Bureau of Statistics who intends to conduct a statistical survey in the county on any of the matters set out in the Fourth Schedule to the Constitution shall apply for and obtain the approval of the statistician.</p> <p>(b) A person referred to in subsection (1) shall submit plans to the statistician at least three months before the commencement of the intended survey.</p> <p>(c) A person who obtains approval under subsection (1) shall submit a copy of the report of the survey to the county statistician within three months of the completion of the survey.</p>	<p>Delete.</p> <p>Research institutions and individuals are already required to apply for permit from the National Commission for Science, Technology and Innovation (NACOSTI). This provision if passed will be a great impediment to the ease of carrying out research in counties.</p>
14	The county statistician may, at the request of any person and upon the payment of the prescribed fee , provide to that person	Delete the phrase, "payment of the prescribed fee" data produced and published courtesy of taxpayers' money should be freely available and should not be for sale. Public data should always be accessible freely

Clause	Issue	Proposal
	any information relating to the functions of the service under this Act.	in online public platforms. Only in exceptional cases where data has to be provided in hard copies should people to make copies.

Submissions from the Council of Governors

The Council of Governors submitted their memorandum indicating as follows:

- a) The Council proposes that the definitions of the terms statistics, and statistical information be provided as below-

‘Statistics’ means any quantity collected as summary of data

‘Statistical information’ means information collected by the County Statistician for purposes of this Act on the matters set out in the fourth schedule Of the Constitution relating to Counties

- b) The National Statistics Act Section 8(1) should be deleted in light of Section 4(1) Of the Bill which requires approval from the Statistician whereas the Statistics Act Section 18(1) requires approval of the Board.

- c) Further that:

Clause	Proposed Amendments	Rationale/ Justification for Amendments
4(1)(c)	The Bill needs to clarify the function under 4 (1)(c); whether the County Secretary will oversee all other official bodies that will compile and disseminate information in the county	The Bill should be clear on what is expected from the County Secretary for easier implementation
8(1)(d)	<i>Amend to read as follows</i> There is established a National Consultative Committee on Statistics comprising of; (d) two county statisticians who are	The Bill is not clear on who appoints the County Statistician. They proposed that the professional body to which the statisticians belong should be the appointing body.

Clause	Proposed Amendments	Rationale/ Justification for Amendments
	not from the county as the county executive committee members under paragraph (c) appointed by professional body.	
8(2)	<p><i>Amend to read as follows;</i></p> <p>The members appointed shall hold office for a period of three years renewable only once.</p>	The clause only stipulated the term of persons appointed under section 8(1)(d) leaving out the tenures of the other members of the consultative committee. The Council opines that the Committee should have a definite
8(3)	<p><i>Amend to read as follows:</i></p> <p>The consultative committee shall determine its own procedure</p>	The statement as it reads is incomplete and therefore there is need for clarity in the function
14(1)	<p>Consider defining the term ‘statistical survey’ as follows</p> <p>A statistical survey is any structured inquiry designed to Obtain aggregated data, which may be qualitative or quantitative where the individual or corporate identities of the respondents are in themselves of little significance</p>	The term "statistical survey" has been used, but has not been defined. This makes it difficult to Decipher what survey is considered statistical or not
18	<p>Amend to read as follows;</p> <p>8. (1) The county executive committee member shall, four months after the end of each financial year, make a report to the respective governor on new statistical information on matters affecting the county government.</p> <p>(2) The governor shall upon receipt of</p>	The report should be forwarded to the Kenya National Bureau of Statistics after it has been tabled before and approved by the County Assembly

Clause	Proposed Amendments	Rationale/ Justification for Amendments
	<p>the report cause the report under subsection (1) to be tabled before the county assembly and the Senate.</p> <p>(3) The county executive committee member shall transmit the report under subsection (1) to the Kenya National Bureau of Statistics upon approval by the respective County Assembly.</p>	

III. CHAPTER THREE: OBSERVATIONS AND RECOMMENDATIONS

Observations

The Committee made the following observations:

- a) There was need for a mechanism for harmonisation of information/ data collected separately by national government in a county and the county government;
- b) The channel of accessing data in the custody of the national government which county government may require to use as secondary data was not clearly provided;
- c) There should be linkage between the county statistics office and Kenya National Bureau of Statistics; and
- d) The function of establishing standards, procedures, methods and promotion of best practices in statistical production should be the mandate of KNBS.

Recommendations

In the view of the above observations and matters raised by the stakeholders, the Committee proposed the following amendments to the Bill;

CLAUSE 2

THAT clause 2 of the Bill be amended by-

(a) inserting the following new definitions in their proper alphabetical sequence-

“statistical information” means-

No. 4 of 2006

(a) In the case of the Kenya National Bureau of Information, information collected by the Bureau, for purposes of the Statistics Act; and

(b) In the case of the county statistics office, information collected by the county Statistics Office, for purposes of this Act;

“statistics” means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and statistical methodology;

“technical committee” means the Intergovernmental Technical Committee on Statistics established under section 8;

(b) deleting the definition of the word “consultative committee”;

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the introductory phrase to paragraph (c) and substituting therefor the following new introductory phrase-

(c) coordinating the operations of the county government in compilation and dissemination of statistics and related information with particular regard to-

PART III

THAT PART III of the Bill be amended by deleting the title and substituting therefor the following new title-

PART III – INTERGOVERNMENTAL TECHNICAL COMMITTEE ON STATISTICS

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause-

Technical
Committee

8. (1) There is established an intergovernmental technical committee on county statistics comprising—

(a) the Principal Secretary in the Ministry for the time being responsible for matters relating to statistics or, an officer designated in a similar position, who shall be the chairperson;

(b) one county executive committee member responsible for matters relating to statistics nominated by the Council of County Governors;

(c) one statistician nominated by the Kenya National Statistical Society;

(d) one county statistician appointed by the Council of County Governors;

(e) two persons appointed by the Cabinet Secretary from amongst the bodies for the time being recognized by the government as representing-

(i) research institutions;

(ii) public universities;

(f) one person nominated by the National Coordinating Agency for Population;

(g) the Director General of the Kenya National Bureau of Statistics or an officer designated by the Director General of the Bureau who shall be the secretary to the technical committee and shall have no vote.

(2) the Cabinet Secretary shall-

(a) within two months of commencement of this Act, appoint the members of the technical committee by notice in the *Gazette*; and

(b) provide the technical committee with such facilities and other support as it may require for the discharge of its functions;

(3) The members of the technical committee-

(a) shall serve on a part-time basis; and

(b) appointed under subsection (1)(b) to
(f) shall serve for a term of three years which may be renewed only once.

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting subclause (2) and substituting therefore the following new subclause-

No.31 of 2016 (2) The Kenya National Bureau of Statistics and the county statistics offices shall, in terms of the Access to information Act, ensure public access to their respective statistical information.

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting subclause (5) and substituting therefor the following new subclause-

(5)The Departments in the county governments which produce statistics in the carrying out of their mandates shall continue to do so subject to the standards and methodologies determined under section 4(2).

CLAUSE 14

THAT clause 14 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) Any person other than an officer of the county statistics office or the Kenya National Bureau of Statistics, who intends to conduct a statistical survey in a county on any of the matters set out in the Fourth Schedule, shall obtain the approval of the county statistics office.

(b)by deleting the words “three months” appearing immediately after the word “within” and substituting therefor with the words “twenty eight days”.

(c)by inserting the following new sub-clause immediately after sub-clause (2)-

(2A) The County Statistician may, in the case of an emergency, waive the requirement to submit an application under subsection (1).

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting subclause (3).

CLAUSE 16

THAT clause 16 of the Bill be amended by deleting the word “service” appearing immediately after the words “functions of the” and substituting therefore the word “office”.

CLAUSE 18

THAT clause 18 of the Bill be amended-

(a) by inserting the following new sub-clauses immediately after sub-clause (2)-

(2A) The report in subsection(1) shall be transmitted electronically to the Kenya National Bureau of Statistics for the purpose of aggregation of statistics from the counties.

(2B) The Kenya National Bureau of Statistics shall submit the report in subsection(1) to Parliament for consideration

(b) in sub-clause (3) by deleting the words “and the Senate” appearing immediately after the words “before the county assembly”.

CLAUSE 19

THAT clause 19 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)-

(e) fraudulently, dishonestly gives inaccurate or false statistical information to an officer appointed under this Act;

Appendices

- a) **Minutes of the Committee**
- b) **Submission from KNBS**
- c) **Submission by KIPPRA**
- d) **Submission by IBP-K**
- e) **Submission by COG**

MINUTES OF THE 37TH MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE & BUDGET HELD ON THURSDAY, 28TH JUNE, 2018 AT COUNTY HALL, GROUND FLOOR BOARDROOM, PARLIAMENT BUILDINGS AT 9.30 AM.

PRESENT

1. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson(Chairing)
2. Sen. Mutula Kilonzo Junior, MP - Member
3. Sen. CPA Farhiya Haji, MP - Member

ABSENT WITH APOLOGY

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. Aaron Cheruiyot, MP - Member
3. Sen. (Dr) Rose Nyamunga, MP - Member
4. Sen. Wetang'ula Moses Masika, EGH, MP - Member
5. Sen. (Dr) Ali Abdullahi Ibrahim, CBS, MP - Member
6. Sen. Boniface Mutinda Kabaka, MP - Member

IN-ATTENDANCE

1. Mr. Christopher Gitonga
2. Ms. Julie Mwithiga
3. Mr. Elly Atamba
4. Ms. Winnie Atieno

SENATE SECRETARIAT

- Clerk Assistant
- PBO
- Research Officer
- Audio Officer

MIN. NO. 172/6/2018:

PRAYERS

The Ag. Chairperson called the meeting to order at 9.40a.m and welcomed the members. This was followed with a word of prayer.

MIN.NO. 173/6/2018:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. CPA Farhiya Haji and seconded by Sen. Sen. Mutula Kilonzo Junior.

MIN. NO. 174/6/2018: CONTINUATION OF CONSIDERATION OF STAKEHOLDERS SUBMISSION ON THE COUNTY STATISTICS BILL, 2018

The Committee considered the matrix of stakeholders' submission on the County Statistics Bill, 2018 (*this was continuation of the 35th Sitting*) and resolved to take up amendments as follows-

- a) Clause 18
 - i) Amend such that county statistics will be electronically transmitted to Kenya National Bureau of Statistics (KNBS) for depository and consolidation of county data,
 - ii) 18(3) amend by deleting the word Senate.
 - iii) Introduce 18(4) to mandate the KNBS to aggregate statistics from counties. That would provide a channel of information flow from counties to the KNBS,
- b) Clause 19(d) be amended to provide offences for a person who fraudulently, dishonestly gives inaccurate or false information and
- c) The Committee noted that the counties had no role during periodic national surveys.

The Committee resolved to consider and adopt its report on bill on Tuesday, 3rd July, 2018 at 10:00am.

MIN. NO. 175/6/2018: PUBLIC HEARING AND SUBMISSION OF MEMORANDA ON THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL, 2018

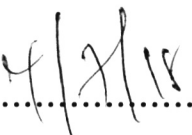
The Committee was informed that there was communication that some invited stakeholders like the National Treasury, Ministry of Labour and Social Protection and the Salaries and Remuneration Commission had sent apologies for the meeting. Further, that, they would send memorandum indicating their position on the bill.

The Committee resolved to consider the stakeholders' submission on Thursday, 5th July, 2018.

MIN. NO. 176/6/2018: ANY OTHER BUSINESS AND ADJOURNMENT

There being no any other business the meeting was adjourned at 11:40 am. The date of the next meeting was set for Tuesday, 3rd July, 2018 at 10.00 am.

SIGNATURE.....
(CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)

DATE.....

MINUTES OF THE 35TH MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE & BUDGET HELD ON THURSDAY, 14TH JUNE, 2018 AT COUNTY HALL, GROUND FLOOR BOARDROOM, PARLIAMENT BUILDINGS AT 12.00 NOON.

PRESENT

1. Sen. Mutula Kilonzo Junior, MP - Member (Chairing)
2. Sen. CPA Farhiya Haji, MP - Member
3. Sen. (Dr) Rose Nyamunga, MP - Member

ABSENT WITH APOLOGY

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
3. Sen. Aaron Cheruiyot, MP - Member
4. Sen. Wetang'ula Moses Masika, EGH, MP - Member
5. Sen. (Dr) Ali Abdullahi Ibrahim, CBS, MP - Member
6. Sen. (Dr) Boniface Mutinda Kabaka, MP - Member

IN-ATTENDANCE

1. Mr. Christopher Gitonga
2. Ms. Judy Wahito
3. Ms. Julie Mwithiga
4. Ms. Christine Maeri

SENATE SECRETARIAT

- Clerk Assistant
- Legal Counsel
- PBO
- Audio Officer

MIN. NO. 160/6/2018:

The Ag. Chairperson called the meeting to order at 12.15 p.m and welcomed the members. This was followed with a word of prayer.

PRAYERS

MIN.NO. 161/6/2018:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. (Dr.) Rose Nyamunga and seconded by Sen. CPA Farhiya Haji.

MIN. NO. 162/6/2018: CONSIDERATION OF STAKEHOLDERS SUBMISSION ON THE COUNTY STATISTICS BILL, 2018

The Committee considered the matrix of stakeholders' submission on the County Statistics Bill, 2018 and resolved to take up the following amendments as follows:

- a) Clause 2 introduce definition of-
 - i) Statistics *as aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and statistical methodology;*

- ii) Statistical Information *as information collected by the County Statistician for purposes of this Act on the matters set out in the fourth schedule Of the Constitution relating to Counties*
 - iii) Statistical Survey - *as any structured inquiry designed to obtain aggregated data, which may be qualitative or quantitative where the individual or corporate identities of the respondents are in themselves of little significance*
- b) Clause 4(1)(c) to replace '*official bodies*' with '*coordinating the operations of the county in compilation and dissemination of statistics and related information with particular regard to*'
 - c) clause 8(1)
 - i) replace the name of the Committee with '*Inter-Governmental Technical Committee on Statistics*'
 - ii) delete (a)
 - iii) amend (b) to indicate *Principal Secretary shall be the Chairperson*
 - iv) amend (c) to provide *one County Executive Committee Member nominated*
 - v) amend (d) to provide *one county statistician nominated*
 - vi) amend (e) to provide *one nominee of Cabinet Secretary*
 - d) clause 8(2) replace the word four years with three years
 - e) delete clause 8(3)
 - f) clause 8(4) replace Kenya National Bureau of Statistics with the Ministry of Planning,
 - g) clause 11(2) replace the words *-ensure access to their respective statistical information by the other parties* with the words *ensure public access*
 - h) amend clause 12(5) to refer to clause 4(2)
 - i) replace clause 13 to provide that the code of practice and setting out of professional standards shall be the mandate of KNBS and all county statistician shall adhere to the code.
 - j) Clause 14 Secretariat was tasked to research further on the proposals
 - k) Delete clause 15
 - l) Clause 18 Secretariat was tasked to research further on the proposals

The Committee resolved to finalise consideration of the stakeholders' submission on the bill in the next meeting.

MIN. NO. 163/6/2018: CORRESPONDENCE

The Committee was briefed on the contents of the following letters-

- a) Kenya Association of Manufacturers (KAM) requesting for a meeting with the Committee – Harmonization of taxation in counties,

- b) Society of Clerks-At-The Table in Kenyan Legislatures SOCAT (K) – on proposed amendments to Public Finance Management Act and County Assemblies Service Act,
- c) The National Treasury and Ministry of Planning - on Division of Revenue (Amendment) Bill, 2018 and County Allocation of Revenue (Amendment) Bill, 2018,
- d) The National Treasury and Ministry of Planning - on collaboration towards achieving sustainable Development Goals, and
- e) Mr. Roy Tanga requesting for a meeting with the Committee on Developing a policy on Sovereign debt.

The Committee resolved that the matters be deliberated on in the next meeting.

**MIN. NO. 164/6/2018: THE SALARIES AND REMUNERATION COMMISSION
(AMENDMENT) BILL**

The Committee was informed that

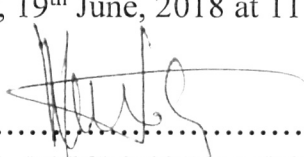
- a) the Bill was read a First Time in the Senate on 12th June, 2018.
- b) the bill was referred to the Committee for deliberation and conducting public participation and
- c) the Committee was supposed to table its report on the bill within 30 days.

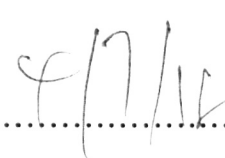
The Committee resolved to conduct public hearing on Thursday, 28th June, 2018 from 10.00 am.

MIN. NO. 165/6/2018: ANY OTHER BUSINESS AND ADJOURNMENT

The Committee tasked the secretariat to submit a list of pending committee activities including proposed legislation in the next meeting.

There being no any other business the meeting was adjourned at 1:55 pm. The date of the next meeting was set for Tuesday, 19th June, 2018 at 11.00 am.

SIGNATURE.....
(CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)

DATE.....

MINUTES OF THE 32ND MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE & BUDGET HELD ON TUESDAY, 30TH MAY, 2018 AT SENATE CHAMBER, MAIN PARLIAMENT BUILDINGS AT 9.00 A.M.

PRESENT

- | | |
|--|--------------------|
| 1. Sen. (Dr) Isaac Mwaura, CBS, MP | - Vice Chairperson |
| 2. Sen. Wetang'ula Moses Masika, EGH, MP | - Member |
| 3. Sen. (Dr.) Ali Abdullahi Ibrahim, CBS, MP | - Member |
| 4. Sen. CPA Farhiya Haji, MP | - Member |
| 5. Sen. (Dr) Rose Nyamunga, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|---------------|
| 6. Sen. (Eng) Mohamed M. Mahamud, CBS, MP | - Chairperson |
| 7. Sen. Aaron Cheruiyot, MP | - Member |
| 8. Sen. Mutula Kilonzo Junior, MP | - Member |
| 9. Sen. Boniface Mutinda Kabaka, MP | - Member |

IN-ATTENDANCE

- | |
|----------------------------|
| 1. Mr. Boniface Lenairoshi |
| 2. Mr. Christopher Gitonga |
| 3. Ms. Judy Wahito |
| 4. Mr. Julie Mwithiga |
| 5. Ms. Winnie Atieno |

SENATE SECRETARIAT

- | |
|-------------------|
| - Principal Clerk |
| - Clerk Assistant |
| - Legal Counsel |
| - PBO |
| - Audio Officer |

In-Attendance

- | | |
|------------------------|--------------------------------|
| 1. Ms. Rose Ngugi | - Executive Director, KIPPRA |
| 2. Mr. Benson Kiriga | - KIPPRA |
| 3. Mr. Zacchary Mwangi | - Director General, KNBS |
| 4. Mr. Joseph Mukui | - State Department of Planning |
| 5. Mr. James Gatungu | - KNBS |
| 6. Mr. Josiah Omosa | - KNBS |
| 7. Mr. Josiah Omosa | - KNBS |

MIN. NO. 147/5/2018:

PRAYERS

The Chairperson called the meeting to order at 9.10 a.m and welcomed the members. This was followed with a word of prayer.

MIN.NO. 148/5/2018:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Farhiya Haji and seconded by Sen. Rose Nyamunga.

MIN. NO. 149/5/2018: SUBMISSIONS OF MEMORANDA ON THE COUNTY STATISTICS BILL, 2018

The Ag. Chairperson welcomed the members of the public to the meeting and this was followed with a round of introduction. He thereafter welcomed them to make their presentations.

Kenya Institute of Public Policy Research and Analysis (KIPPRA)

The representative informed the Committee that:

- a) The bill was to ensure that it promotes efficiency and consistency in the data collection as well as synergies between national and county government levels in implementing the 4th Schedule of the constitution,
- b) A clear policy framework would have played a key role in guiding such critical law as well as reviewing the Statistical Act, 2006,
- c) There was need for a well-planned coordination between national statistics and the county statistics by providing a clear mechanism to ensure efficiency, quality and timelines were not compromised especially where international standards and codes were required to be utilised,
- d) The Statistics Act which was under review needed to be aligned with the provisions in the County statistics bill,
- e) To ensure cost effectiveness the counties should adopt the already existing KNBS infrastructure including the international statistical systems and the human capital expertise,
- f) Clause 8 provided for consultative Committee which appeared as an independent organ with policy and oversight roles.
 - i) That introduced another layer of statistical administration of which it was not clear how its decisions would reach the counties.
 - ii) Proposed that the role should remain within the county executive with proper coordination with KNBS.
- g) Clause 12(5) failed to recognise that statistical standards and procedures were set internationally, like common wealth countries statistical standards and procedures. The county statistician should only adopt the existing standards and procedures,
- h) Clause 14 - its application would stifle statistic collection and analysis in the county. Secondly, three months' notice requirement may delay and make research work cumbersome and expensive,

- i) Clause 18(2) it was not clear why the county statistics report would be shared with KNBS. Further, how would the discrepancies and aspects of timeliness be resolved?
- j) The role of county assembly in statistical process was not well defined other than receiving the annual reports,
- k) The role of counties during periodic national surveys was not defined and
- l) Proposed amendments of Statistic Act, 2006 to strengthen KNBS and mandate it to decentralize and coordinate counties to collect statistics. Further, provide mechanism to link county statistics with national statistics.

The Ministry of National Planning – Kenya National Bureau of statistics (KNBS)

The representatives informed the Committee that:

- a) the bill was important in that it aimed at providing establishment of county statistics which was a critical unit at county level;
- b) production of accurate statistics was important since they facilitate proper planning,
- c) the bill had a few issues which they proposed amendments as follows-
 - i) clause 4(c) be amended to replace '*official bodies*' with '*coordinating the operations of the county in compilation and dissemination of statistics and related information with particular regard to*'
 - ii) clause 8
 - ✓ replace the name of the Committee with 'Inter-Governmental Consultative Committee on Statistics'
 - ✓ (a) should be deleted since the Committee was technical: county governor need not be the Chairperson.
 - ✓ (b) principal Secretary, State Department responsible for Statistics to chair the Committee
 - ✓ (4) be deleted since KNBS may not be in a position to provide resources to support the Committee.
 - iii) Harmonise clauses 12(5) with 4(2) such that the function of establishing standards and promotion of best practices and methods in statistical production should be at national level; this would ensure quality standards were maintained.
 - iv) Rephrase clause 13 to provide the code of practice and setting out of professional standards was a mandate of KNBS and all county statistician shall adhere,
 - v) Clause 15(3) should be deleted as it was ambiguous

- vi) Clause 19 should be amended to provide for offenses and penalties for a person who fraudulently, dishonestly gives inaccurate or false information,
- vii) Provide an additional clause (clause 22) ‘should any provisions of this Act be in conflict with the provisions of the Statistics Act, the provisions of the Statistics Act shall prevail and
- viii) KNBS should be the depository for statistics including aggregated statistics from counties. Thus, there was need to provide a channel of information flow from counties to the KNBS.

MIN. NO. 150/5/2018: ANY OTHER BUSINESS AND ADJOURNMENT

The following issues were deliberated upon under any other business-

1. National Census

The Director General indicated that the national Census/enumeration would be done on the night of 24/25 August, 2019. The piloting of the exercise would be done on night of 24/25 August, 2018.

2. National Prayer Breakfast

The Committee was informed that there was a scheduled a National prayer breakfast on Thursday, 31st May, 2018.

Consequently, the Committee resolved to postpone its meeting which was scheduled for the same day.

There being no other business for consideration, the Chairperson adjourned the meeting. The date for the next meeting was set for Tuesday, 5th June, 2018 at 10.00am for the public hearing on the Division of Revenue (Amendment) Bill, (Senate Bills No. 14 of 2018).

SIGNATURE.....
(CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)

DATE.....

			<ul style="list-style-type: none"> ✓ We propose Clause 8 (b) be retained with a proviso that the Principal Secretary for the State Department responsible for Statistics to Chair the committee ✓ We propose clause 8 (4) be deleted as this is basically a function of the county government and KNBS may not be in a position to provide resources to support this Committee
12	Power Obtain Information	to	<ul style="list-style-type: none"> ✓ We propose Clause 12 (5) be harmonized with Clause 4 (2). The function of establishment of standards and promotion of best practices and methods in statistical production should be retained at national level to ensure quality standards are maintained. ✓ Hence the County Statistician may not create standards and procedures as envisaged in clause 12 (5).
13	Code Practice	of	<ul style="list-style-type: none"> ✓ Clause 13 attempts to give responsibility to the County Statistician to make code of practice and set out professional standards. This is basically the mandate of KNBS. We propose this clause be rephrased to read as follows: ✓ "The County Statistician shall implement the KNBS code of practice that sets out professional standards to be followed by all departments and agencies of the County government".
15	Confidentiality And Disclosure		<ul style="list-style-type: none"> ✓ We propose clause 15(3) be deleted as it is ambiguous.
Include a new clause 22	Statistics Act		<ul style="list-style-type: none"> ✓ We propose an additional clause to read "Should any provisions of this act be in conflict with the provisions of the Statistics act, the provisions of the Statistics Act shall prevail."

COMMENTS ON SENATE COUNTY STATISTIC BILL 2018 BY THE NATIONAL TREASURY AND PLANNING

a) Introduction

We had previously given comments on this Bill and appreciate the fact that most of the comments were taken into account. We are grateful to the drafters for incorporating the comments.

Statistics is very relevant and of great importance in our society. We cannot plan without accurate statistics. For this reason, we support the production of accurate statistics in our country.

On the current Bill, there are a few clauses that we propose further amendments.

b) Specific comments on clauses of County Statistic Bill 2018

Clause No	Subject	Comment
4	Functions of the Office	<ul style="list-style-type: none"> ✓ 4 (c) the word “official bodies” in this clause is not clear as the official bodies are not defined anywhere in the Bill. We propose that the clause be reworded as follows: ✓ “coordinating the operations of the County in compilation and dissemination of statistics and related information with particular regard to:”
8	National Consultative Committee	<ul style="list-style-type: none"> ✓ Arising from the mandate of this committee, our understanding is that it shall be handling policy statistical issues between the two levels of Government. ✓ Hence, we propose that the Committee’s name, wherever it appears in the Bill, to be changed from National Consultative Committee on Statistics to “Inter-Governmental Consultative Committee on Statistics” ✓ We propose Clause 8(a) be deleted, for the reason that a County Governor who handles policy issue should not ideally chair this committee that is technical,

Our Ref: KIPPRA/1/3/7

30th June, 2018

Mr. J. M. Nyegenye, CBS
The Clerk of the Senate
Parliament Building
Nairobi

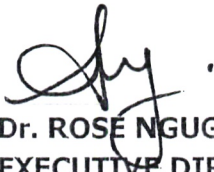
Dear Mr. Nyegenye

**INVITATION TO ATTEND A MEETING OF THE SENATE STANDING COMMITTEE ON
FINANCE AND BUDGET**

Reference is made to your letter Ref. SEN/SCF/B/CORR/2018/36 dated 17th May, 2018 on the above subject refers.

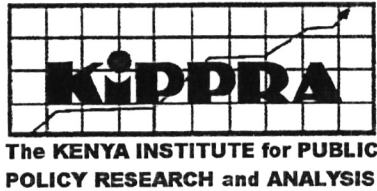
KIPPRA is pleased to present comments on the County Statistics Bill 2018 to the Senate Committee on Finance and Budget Pursuant to the provisions of Standing order 212(3) of the Standing Orders of the Senate, whereby the invited the Kenya Institute for Public Policy Research and Analysis (KIPPRA) to appear before the Committee with submissions on the Bill.

Yours faithfully



Dr. ROSE NGUGI
EXECUTIVE DIRECTOR

Encl.



SUBMISSION ON THE COUNTY STATISTICS BILL 2018

TO:

The Senate Committee on Finance and Budget

FROM:

Kenya Institute for Public Research and Analysis (KIPPRA).

KIPPRA COMMENTS ON COUNTY STATISTICS BILL

The Bill demonstrates a commitment to facilitating the public policy process with data. By embracing data collection at the county level this will help in guiding the regulatory and policy frameworks that support in contributing to the development agenda. That said, given that the Bill defined the rule of the game we need to ensure that it promotes efficiency and consistency in the data collection as well as enhancing synergies between the national and county government levels in implementing the 4th schedule. In addition, a clear policy framework would play a key role in guiding such a critical law as well as concurrent review of the Statistical Act 2006.

1. The 4th schedule of the 2010 constitution defines the distribution of functions between the National and County governments where;
 - a. National Government, part 1, article 11, deals with "National Statistics and data on population, the economy and society in general; while
 - b. County Government, part 2, article 8, deals with "County planning and development, including (a) statistics, (b)...."

This calls for a well-planned coordination between national statistics and the county statistics as each county statistics should inform the national statistics. If these statistics are collected and managed by independent institution, then there must be clear mechanisms to ensure efficiency, quality and timelines is not compromised particularly where international standards and codes are required to

be utilized. For example, it is not clear the role of the KNBS in collating the statistics provided by the counties, and the support that it will be getting in gathering its statistics that cut across the counties. Similarly, is how the resources at national county level can be effectively harnessed especially given the elaborate KNBS structures that exist at the moments.

2. KNBS is under Statistics Act, 2006 and this bill need to refer to it exhaustively for consistency purposes. The Act is undergoing a review to capture the 2010 constitution and other dynamics in statistics and in the country. This may bring out clarity.
3. It would be important and cost effective for the counties to use the already existing KNBS infrastructure that even include the latest international statistical systems and the human capital expertise in the KNBS. For example, KNBS has already established system with which it collects data across the country. It is not clear whether the counties will establish parallel systems.
4. Article 8, in part III, has a consultative committee which gives another layer of statistical administration. It appears this is an independent organ with policy and oversight roles. It is not clear how decisions made at the committee reach to all counties given that not all counties are represented. Such a layer can influence the efficiency of collection and handling statistics. This should remain with the county executive and a proper coordination with the KNBS.
5. Article 12 (5) refers to standards and procedures determined by the Statistician – this is not in order as statistical standards and even procedures already have international standards provided for by all the common wealth countries. Thus, the county is only expected to adopt the standards which are normally updated as new demand arises through a consultative process. The county statistician should only monitor but not determine.
6. Article 14 having the statistician approving conduct of statistical surveys in the county, may stifle statistic collection and analysis in the country. A central coordination role need to exist and rather the statistician approving the process, the statistical office need to be approving these statistical requests. The three-month notice to be given to each county may delay and make research work cumbersome and expensive.
7. 18(2) the county statistics report to be shared with KNBS. Will KNBS be publishing the data together with the national statistics. Suppose there are discrepancies how



COUNCIL OF GOVERNORS

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E-mail: info@cog.go.ke

Our Ref: COG/8/5A

29th May, 2018

J. M Nyegenye
The Clerk of the Senate
Parliament Buildings
NAIROBI


Dear *Mr. Nyegenye*

RE: LETTER FORWARDING THE LEGISLATIVE MEMORANDUM ON THE COUNTY STATISTICS BILL, 2018

We refer to your letter dated 17th May, 2018 where the standing committee on Finance and Budget forwarded the County Statistics Bill (Senate Bills No. 9 of 2018) for our perusal and comments.

In view of the above, kindly find attached our comments, proposals and justifications on the same for your review and consideration.

Yours

Sincerely,


Rosemary Njaramba
For: Chief Executive Officer



COUNCIL OF GOVERNORS

LEGISLATIVE MEMORANDUM TO THE FINANCE COMMITTEE ON THE COUNTY STATISTICS BILL, 2018

**To:
THE SENATE**

From:

will they be resolved? Then the aspect of timeliness within which the statistics are shared to facilitate the release of various data.

8. The role of the county assembly in the statistical process in the county is not clearly defined apart from receiving the annual reports.
9. It is not clear the role of the counties when it comes to periodic national surveys including surveys and censuses.
10. To note 4(a & b) the functions of the County Statistics Office are similar to KNBS Act Statistical 2006.
11. Finally, it is important that the statistical policy framework for Kenya guides both the national and county government. It also means amending the Statistics Act for 2006 to capture all the dynamics including the statistical processes and coordination roles in the country. All the coordination activities to be handled by KNBS.

THE COUNCIL OF GOVERNORS

MEMORANDUM ON THE COUNTY STATISTICS BILL, 2018

The Council of Governors,

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

In further recognition of Article 6 (2) that governments at the national and county levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

The Council hereby notes as follows on the County Statistics Bill, 2018 Bill (the Bill):

A. Comments on Specific Provisions:

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
4 (1) (c)	- the operations of official bodies in the county in the compilation and dissemination of statistics and related information with particular regard to;	The Bill needs to clarify the function under 4 (1) (c); whether the County Secretary will oversee all other official bodies that will compile and disseminate information in the County.	The Bill should be clear on what is expected from the County Secretary for easier implementation.

	<ul style="list-style-type: none"> (i) the avoidance of duplication in the collection of statistical information; (ii) the attainment of compatibility and the integration of statistics compiled by official bodies; and (iii) the maximum possible utilization for statistical purposes of information and means of collection of information available to official bodies; 		
8 (1) (d)	<p>There is established a National Consultative Committee on Statistics comprising of;</p> <p>(d) two county statisticians who are not from the same county as the county executive committee members under paragraph (c);</p>	<p><i>Amend to read as follows;</i></p> <p>There is established a National Consultative Committee on Statistics comprising of;</p> <p><i>(d) two county statisticians who are not from the same county as the county executive committee members under paragraph (c) appointed by a professional body.</i></p>	<p>The Bill is not clear on who appoints the County Statistician. We propose that the professional body to which the statisticians belong should be the appointing body.</p>
8 (2)	<p>The members appointed under subsection (1) (d) shall serve on a part-time basis for a renewable term of four years.</p>	<p>Amend to read as follows;</p> <p><i>The members appointed under Section 8 shall hold Office for a period of three years, renewable only once.</i></p>	<p>The clause only stipulates the term of persons appointed under section 8(1) (d) leaving out the tenures of the other members of the consultative committee. The Council opines that the Committee should have a definite</p>

			<p>term of office and it should not only apply to some members.</p> <p>Further, mwongozo code of conduct and common practice since 2010 is for members to sit for a term of 3 years renewable once for further term of 3 years.</p>
8 (3)	The consultative committee shall determine its own procedure and.	<p>Amend to read as follows;</p> <p><i>The consultative committee shall determine its own procedure.</i></p>	The statement as it reads is incomplete and therefore there is need for clarity in the function.
14 (1)	<p>A person other than the county statistician or an officer of the Kenya National Bureau of Statistics who intends to conduct a statistical survey in the county on any of the matters set out in the Fourth Schedule to the Constitution shall apply for and obtain the approval of the statistician.</p> <p>Conduct</p>	<p>Consider defining the term “<i>statistical survey</i>” as follows;</p> <p><i>“A statistical survey is any structured inquiry designed to obtain aggregated data, which may be qualitative or quantitative where the individual or corporate identities of the respondents are in themselves of little significance”</i></p>	The term “statistical survey” has been used, but has not been defined. This makes it difficult to decipher what survey is considered statistical or not.

18	<p>18. (1) The county executive committee member shall, four months after the end of each financial year, make a report to the respective governor on new statistical information on matters affecting the county government.</p> <p>(2) The county executive committee member shall transmit the report under subsection (1) to the Kenya National Bureau of Statistics.</p> <p>(3) The governor shall, upon receipt of the report, cause the report under subsection (1) to be tabled before the county assembly and the Senate.</p>	<p>Amend to read as follows;</p> <p>18. (1) <i>The county executive committee member shall, four months after the end of each financial year, make a report to the respective governor on new statistical information on matters affecting the county government.</i></p> <p>(2) <i>The governor shall, upon receipt of the report, cause the report under subsection (1) to be tabled before the county assembly and the Senate.</i></p> <p>(3) <i>The county executive committee member shall transmit the report under subsection (1) to the Kenya National Bureau of Statistics upon approval by the County Assembly.</i></p>	<p>The report should be forwarded to the Kenya National Bureau of Statistics after it has been tabled before the County Assembly and the same approved</p>
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B. General Comments

- I. The Council proposes that the definitions of the terms statistics, and statistical information so as the consumers of the Bill are aware of what the Bill speaks of. The definitions should be as follows;

“Statistics” means any quantity collected as summary of data

“Statistical information” means information collected by the County Statistician for purposes of this Act, on the matters set out in the fourth schedule of the Constitution relating to Counties.

- II. The National Statistics Act Section 18(1) should be deleted in light of Section 14(1) of the Bill which requires approval from the Statistician whereas the Statistics Act Section 18 (1) requires approval of the Board.

May 30, 2018

MEMORANDUM TO THE SENATE ON THE COUNTY STATISTICS BILL, 2018

The International Budget Partnership Kenya would like to submit this memorandum in response to the call for views from the public on the County Statistics Bill, 2018.

Clause	Current Clause/gap	Proposed Edits and Comments
2	The terms 'statistics' is not defined.	Insert: 'statistics' means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and statistical methodology;
4	The Bill does not oblige the County Statistician to cooperate with users of county statistics.	Insert between (d) and (e): (e) co-operate with the users of official county statistics in the national and county government, members of public and private bodies and the general public.

5		<p>Insert:</p> <p>(3) Despite clause (1) and (2) above, The County Statistician may, for statistical purposes, disclose data gathered in the course of statistical data collection on condition that: -</p> <p>(a) The disclosure is to a state officer who has taken the oath of confidentiality;</p> <p>(b) the disclosure is to the person from whom such information was collected or his or her representative;</p> <p>(c) the disclosure is with the prior written consent of the person from whom information was collected;</p> <p>(d) the information is already available to the public from the organ of state, business or other organisation concerned;</p> <p>(e) the name, address or any other means by which the respondents may be identified is deleted; and</p> <p>(f) the County Statistician is satisfied that the disclosure of such information shall not endanger the individual, household, business, organ of state or other organisation.</p> <p>(4) Where the information is already available to the public from the organ of state, business or other organisation concerned and concerns a matter of public interest, the County Statistician must ensure that the information is: -</p> <p>(a) compiled, reported and documented in a scientific and transparent manner;</p> <p>(b) disseminated impartially; and,</p> <p>c) publicly accessible in accordance to the Access to Information Act, 2016.</p>
11 (2)	The Kenya National Bureau of Statistics and the offices of the county statistician shall, in terms of the Access to Information Act, ensure access to their respective statistical information by the other parties .	Replace the phrase “other parties” with the phrase “other government agencies, other sectors of society and the general public.”

14	<p>(a) A person other than the county statistician or an officer of the Kenya National Bureau of Statistics who intends to conduct a statistical survey in the county on any of the matters set out in the Fourth Schedule to the Constitution shall apply for and obtain the approval of the statistician.</p> <p>(b) A person referred to in subsection (1) shall submit plans to the statistician at least three months before the commencement of the intended survey.</p> <p>(c) A person who obtains approval under subsection (1) shall submit a copy of the report of the survey to the county statistician within three months of the completion of the survey.</p>	<p>Delete.</p> <p>Research institutions and individuals are already required to apply for permit from the National Commission for Science, Technology and Innovation (NACOSTI). This provision if passed will be a great impediment to the ease of carrying out research in counties.</p>
16	<p>The county statistician may, at the request of any person and upon the payment of the prescribed fee, provide to that person any information relating to the functions of the service under this Act.</p>	<p>Delete the phrase, "payment of the prescribed fee" data produced and published courtesy of taxpayers' money should be freely available and should not be for sale.</p> <p>Public data should always be accessible freely in online public platforms. Only in exceptional cases where data has to be provided in hard copies should people to make copies.</p>

Signed and submitted on this date: 30 May 2018.

Abraham Rugo Muriu, PhD

Country Manager

