INFORMATION AND COMMUNICATIONS TECHNOLOGY DEPARTMENT

Access to Information Policy

SF/ICT/PD/06

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ISSUED BY: Management Representative

DEPARTMENT	INFORMATION AND COMMUNICATIONS TECHNOLOGY
TITLE OF DOCUMENT	ACCESS TO INFORMATION POLICY
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NATIONAL SOCIAL SECURITY FUND		
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TITLE: **Access to Information Policy**	Name & Signature of HOD: Stephen Obare **Manager, ICT**	Date: 17/11/2020
	Approved By Dr. Anthony Omerikwa MBS **CEO/MANAGING TRUSTEE**	Date: 8/3/2021

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REVISION HISTORY OF DOCUMENTED INFORMATION

DOCUMENT TITLE: **Access to Information Policy**

Rev. No.	**DCR Ref.**	**Date**	**Chapter/ Clause/ Par. No**	**Details of changes** Addition – Underline/highlight Deletion – Strikethrough

ABBREVIATIONS AND ACRONYMS

AIP	-	Access to Information Policy
ICT	-	Information and Communication Technology
NSSF	-	National Social Security Fund
Fund	**-**	National Social Security Fund
PR	-	Public Relations

REFERENCES

ICT Procedure Manual
NSSF Corporate Strategic Plan
The Kenya Information and Communications ACT No. 411A (2013)
The Public Procurement and Asset Disposal ACT No.33 (2015)
Access to Information Act No. 31 of 2016
NSSF Act No. 45 of 2013
Prevention of Terrorism Act.

ISO 22301:2019	-	Business Continuity Management System
ISO 9001:2015	-	Quality Management Systems
ISO 27001:2013	-	Information Security Management Systems
ISO 30401:2018	-	Knowledge Management Systems
ISO 9004:2018	-	Management for Continued Success
ISO 22301:2019	-	Business Continuity Management System

TERMS AND DEFINITIONS

DISRUPTION	-	Incident whether anticipated or unanticipated, that causes unplanned, negative deviation from the expected delivery of products and services according to the Fund's objectives.

1.0 INTRODUCTION

The National Social Security Fund (NSSF) Act No 45 of 2013, Laws of Kenya, aims at providing basic social security to its members and their dependents, as well as to increase membership coverage and adequacy of benefits.

2.0 BACKGROUND

2.1 The objective of the Access to Information Policy (AIP) is to promote stakeholder trust in the National Social Security Fund (NSSF) and to increase the impact of the Fund's activities. The policy reflects NSSF's commitment to transparency, accountability, and participation by stakeholders in the Fund's supported activities.

2.2 The AIP is anchored on:-

2.2.1 Access to Information Act, No 31 of 2016, Laws of Kenya, which gives effect to Article 35 of the Constitution of Kenya on the right for every person to access information held by the State or another person required for the purpose of exercising this right;

2.2.2 The policy applies to information that the Fund produces or are produced and provided to NSSF by other third parties in the course of the Fund's operations. The policy will be implemented in accordance with detailed procedures outlined in the *Process for Access to Information* - SF/ICT/DP/09 and made publicly available in accordance with the Fund's normal processes.

2.3 JUSTIFICATION

The requirement to provide access to information necessitates the Fund to put in place a policy framework to reduce the risk of unauthorized information disclosure, modification, and destruction.

3.0 PURPOSE

This policy aims to give clear guidelines on the roles and responsibilities of parties involved in the control of information security function.

4.0 SCOPE

This policy covers all information held in the Fund including electronic and physical records, and information held by officers of the Fund by virtue of their roles.

5.0 POLICY PRINCIPLES AND EXCEPTIONS

5.1 Policy Principles

The AIP is based on the following principles:-

5.1.1 **Clear, timely, and appropriate disclosure**. The Fund discloses information about its operations in a clear, timely, and appropriate manner to enhance stakeholders' ability to meaningfully engage with NSSF and to promote good governance.

5.1.2 **Presumption in favor of disclosure.** NSSF discloses information unless that information falls within the exceptions to disclosure specified in the policy.

5.1.3 **Limited exceptions.** Full disclosure of information is not always possible. The policy provides a limited set of exceptions that balances the rights and interests of various parties. However, NSSF reserves the right, under exceptional circumstances, to override the policy exceptions (**section 2.3**) or not to disclose information that it would normally disclose (**section 2.4**).

5.1.4 **Proactive disclosure.** The Fund proactively shares its knowledge products and information about its operations in a timely manner to facilitate participation in decision-making. While the Fund website remains the primary vehicle for proactive disclosure, it also uses other appropriate means to disclose and communicate information.

5.1.5 **Sharing of information and ideas.** The AIP includes processes by which people may equally seek, receive, and convey information and ideas about Fund operations. Effective communications and exchange of information and ideas with stakeholders is a vital component of effective and sustainable growth.

5.1.6 **Clear appeals process**. A clear process to appeal the Fund's decision not to disclose requested information is an important part of a meaningful disclosure framework.

5.1.7 **Continuous monitoring**. The Fund will continuously monitor the effectiveness of the policy, learning lessons from its successes and shortcomings, and staying abreast of new technologies and practices.

5.2 Exceptions to Disclosure

5.2.1 NSSF discloses information in its possession that does not fall under any of the policy exceptions. The exceptions are based on the Fund's determination that disclosure of certain types of information would cause harm to specific parties or interests that would outweigh the benefits of disclosure. A harm–benefit assessment is the process of weighing the likely adverse effects of disclosure against the benefits likely to accrue from disclosure.

5.2.2 In the context of the Fund's disclosure principles (**section 2.1(II)**) particularly the presumption in favor of disclosure—such an assessment and the basis for nondisclosure are limited to the categories of information described in (**section 2.2(II)**) If a document or part of a document is not disclosed because it contains information that falls under one or more of the policy exceptions, the Fund cites the exception(s) for nondisclosure.

5.2.3 Subject to the AIP's provision regarding the positive override (**section 2.3**) the following categories of information or documents are not disclosed:

5.2.3.(i) **Deliberative and Decision-Making Process**
Information that informs the deliberative or decision-making process of NSSF is generally exempt from disclosure. This category of exception is based on the premise that deliberations, debates, and advice that inform decision-making must be free and candid. This comprises the following:-

5.2.3.(i)(a) Internal information that, if disclosed, would or would likely compromise the integrity of the Fund's deliberative and decision making process, by inhibiting the candid exchange of ideas, views, and approaches, and thereby adversely affect the quality of decisions and outcomes for NSSF and its stakeholders. Examples include advice and ideas exchanged between Board members,

Senior Management, NSSF staff, and third-parties that are generally deliberative in nature.

5.2.3.(i)(b) Proceedings of the Board members, except for Board papers, verbatim transcripts, minutes of Board meetings, and chair's summaries of certain Board meetings, as disclosure of such documents would inhibit the frank exchange of ideas, views, and approaches among Board members.

5.2.3.(i)(c) Information exchanged, prepared for, or derived from the deliberative and decision-making process between the Fund and its members and other entities NSSF cooperates with.

5.2.3.(ii) **Information Provided in Confidence**

5.2.3.(ii)(a) Information provided to NSSF by a member or other party in confidence. NSSF has an obligation to protect such information and does not disclose the information without the express written permission of that other member or party.

5.2.3.(ii)(b) Proprietary information or any information provided to NSSF by a party that, if disclosed, would or would likely materially prejudice the commercial interests, financial interests, or competitive position of the party that was the source of the information or another party that may be affected by the disclosure of the information.

5.2.3.(ii)(c) Confidential business information covered by a confidentiality agreement or nondisclosure agreement that NSSF has entered into with clients or other related parties.

5.2.3.(iii) **Personal Information**

Any personal information that, if disclosed, would or would likely materially compromise the legitimate privacy interests of the person concerned, except to the extent

permitted by the person concerned or by NSSF rules and regulations.

5.2.3.(iv) **Financial Information**
Financial information that, if disclosed, would or would likely prejudice the legitimate financial or commercial interests of NSSF and its operations.

5.2.3.(v) **Security and Safety**
Information that, if disclosed, would or would likely endanger the life, health, safety, or security of any individual; the safety or security of NSSF assets.

5.2.3.(vi) **Legal and Investigative Matters**

5.2.3.(vi)(a) Any information subject to advocate–client privilege (including communications to or from NSSF Legal team or its external legal advisors) or any information that, if disclosed, would or would likely undermine legitimate advocate–client interests or violate applicable law.

5.2.3.(vi)(b) Information provided to NSSF alleging fraud, corruption, or violation of the Anti-corruption Policy. Any information that, if disclosed, would or would likely materially prejudice an investigation or the administration of justice. This paragraph also applies to the identity of the party making the allegation (whistleblower), unless such whistleblower consents to the disclosure of his or her identity, or except to the extent permitted by and in accordance with the Whistleblower Policy.

5.2.3.(vii) **Internal and External Audit Reports**

Internal and external audit reports of NSSF may contain sensitive information about internal systems, which could be exploited by third parties to the detriment of NSSF.

5.3 **Public Interest Override (Positive Override)**

NSSF has the right to disclose, under exceptional circumstances, information that falls under the exceptions to disclosure if the Fund determines that the public interest in disclosing the information outweighs the harm that may be caused by disclosure. Any recommendation to disclose or deny such information requires the approval of the Board of Trustees for Board records.

5.4 **NSSF's Prerogative to Restrict Access (Negative Override)**

NSSF also has the right not to disclose, under exceptional circumstances, information that it would normally disclose if the Fund determines that such disclosure would or would likely cause harm that outweighs the benefit of disclosure. Only the Board of Trustees exercises this prerogative.

6.0 LEGAL FRAMEWORK

The legal framework that guides information security is provided by the Access to Information ACT No. 31 OF 2016, the Official Secrets ACT CAP 187, the Public Officer Ethics ACT No. 4 of 2003, Whistleblower Policy and the NSSF ACT No. 45 of 2013.

7.0 ROLES AND RESPONSIBILITIES

For purposes of this policy the following parties are recognized as the main stakeholders:-

7.1 **Board of Trustees**

The Board of Trustees has the responsibility of steering the Fund's vision and stating the strategic policy direction.

7.2 **Chief Executive Officer/Managing Trustee**

The CEO/Managing Trustee has the responsibility of guiding and giving the requisite support for the implementation of the policy.

7.3 **General Manager – Corporate Affairs/Corporation Secretary**

The General Manager, Social Security will coordinate the requisite support in implementation of the policy and facilitation of meeting the policy objectives.

7.4 **Manager Public Relations & Communication**
The Manager, PR&C is responsible for designing and enforcing implementation of strategies and procedures to meet the policy objectives.

7.5 **Regional Manager**
The Regional Manager shall be responsible for coordination and implementation of the AIP within the region.

7.6 **Branch Manager**
The Branch Manager shall be responsible for the AIP within the branch.

7.7 **Officers in Charge**
The Officers in Charge shall be responsible for implementation of the AIP within the sub-branch.

8.0 MONITORING AND EVALUATION

Department shall continuously monitor compliance and periodically evaluate performance of the AIP.

9.0 REVIEW OF POLICY

This policy will be reviewed every three years with effect from the date of approval or as need arises.

10.0 BUSINESS CONTINUITY

In the event of disruption of business activities the Manager, ICT shall invoke the Business Continuity Plan - SF/ICT/BCP/01 to ensure continuity of business operations.