

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 45 (Senate Bills No. 8)*

---



REPUBLIC OF KENYA

---

***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2024**

---

---

**NAIROBI, 1st March, 2024**

---

---

CONTENT

Bill for Introduction into the Senate—

PAGE

The Digital Literacy and Opportunities Bill, 2024 ..... 85



**THE DIGITAL LITERACY AND OPPORTUNITIES  
BILL, 2024**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I – PRELIMINARY**

- 1 – Short title.
- 2 – Interpretation.
- 3 – Objects.

**PART II – ROLE OF THE NATIONAL AND  
COUNTY GOVERNMENTS**

- 4 – Obligations of the National Government
- 5 – Functions of the County governments

**PART III – ESTABLISHMENT OF THE DIGITAL  
LITERACY COMMITTEE**

- 6 – Establishment of the Committee.
- 7 – Functions of the Digital Literacy Committee.
- 8 – Membership of the Committee.
- 9 – Term of office.
- 10 – Qualification for the appointment.
- 11 – Disqualification from membership.
- 12 – Vacation of office of member.
- 13 – Remuneration.
- 14 – Conduct of the affairs of the Committee.
- 15 – Sub-committees of the Committee.
- 16 – Secretariat.
- 17 – Functions of the Secretariat.

**PART IV – ESTABLISHMENT OF COMMUNITY  
DIGITAL HUBS**

- 18 – Establishment of community digital hubs.
- 19 – Sponsorship.
- 20 – Registers to be kept.
- 21 – Requirements in relation to a community hub.

- 22—Governance and management of the community digital hubs.
- 23 —Structures of the management of the community digital hubs.
- 24 — Digital literacy trainers.
- 25 —Requirement for registration.
- 26 — Application for registration.
- 27 — Accounts and audit.
- 28 — Annual Report and Publication.
- 29 —Filing of annual report
- 30 —Notify to rectify.
- 31 —Framework of the curriculum.
- 32 —Digital Literacy programs.
- 33 —Examination and competency assessment.
- 34 —Quality assurance.
- 35 —County Legislation.

**PART VII—TRANSITIONAL PROVISIONS**

- 36—Existing Institutions.

**PART VIII—MISCELLANEOUS PROVISIONS**

- 37—Regulations
- 38—Amendment to No. 1A of 2015

**SCHEDULE—PROVISIONS TO THE  
CONDUCT OF THE  
MEETINGS OF THE  
COMMITTEE**

**THE DIGITAL LITERACY AND OPPORTUNITIES  
BILL, 2024**

**A Bill for**

**AN ACT of Parliament to provide a coordinated approach in the planning, designing, deployment and management of government digital literacy programs within the country and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows –

**PART I—PRELIMINARY**

**1.** This Act may be cited as the Digital Literacy and Opportunities Act, 2024.

Short title.

**2.** In this Act –

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to information and communication technology;

“Committee” means the Digital Literacy Committee established under section 6;

“county executive committee member” means the county executive committee member responsible for matters relating to information and communication technology;

“curriculum” means an approved digital literacy course or programme offered in the community digital literacy hub which is approved by the Kenya Institute of Curriculum Development;

“digital literacy” means the ability to use information and communication technology to find, evaluate, create, and communicate information, requiring both cognitive and technical digital skills at a basic level.

“institution” means any private institution registered and licensed to offer digital literacy services under this Act;

“Kenya Institute of Curriculum Development” means the Kenya Institute of Curriculum Development established under section 3 of the Kenya Institute of Curriculum Development; and

Cap. 211A

“sponsor” has the meaning assigned to it under the Basic Education Act.

Cap. 211

**3.** A person shall, in the performance of their functions under this Act, be guided by the following principles.

Guiding principles

- (a) the national values and principles of governance set out under Article 10 of the Constitution;
- (b) adaptability to changing technology;
- (c) equity and non-discrimination in the provision of digital literacy programs;
- (d) collaboration and partnership with relevant stakeholders; and
- (e) consistency and coherence in the implementation of digital literacy programs across the country.

## **PART II — ROLE OF THE NATIONAL AND COUNTY GOVERNMENTS**

**4.** (1) The National Government shall —

Obligations of the National government

- (a) develop a national digital literacy policy for the development of digital literacy programs at the county level of government to ensure consistency and coherence in the delivery of digital literacy programs across the country;
- (b) develop digital literacy programs specific to public service for professional development for public servants within the country;
- (c) monitor and evaluate digital literacy programs at the county level to ensure that they are meeting their intended goals and are aligned with national policies and guidelines;
- (d) provide technical assistance and capacity building to county governments in the development and implementation of digital literacy programs;
- (e) set standards for the training and registration of digital literacy trainers;
- (f) facilitate co-ordination and collaboration among county governments to ensure that digital literacy programs are being implemented effectively and efficiently across the country;
- (g) facilitate creation of cloud infrastructure for digital literacy training content accessible to all;

- (h) provide budget support and resource mobilization to subsidise digital training at the counties;
- (i) promote the integration of digital literacy into formal education systems, from early childhood education through tertiary education;
- (j) establish partnerships and linkages with the private sector and other stakeholders to participate in the development and implementation of internationally recognized digital literacy programs;
- (k) collaborate with regional and international organizations to promote the development and implementation of digital literacy programs;
- (l) provide regular reports to the public on the progress and outcomes of digital literacy programs implemented at the county level; and
- (m) support research and development in the digital literacy sector.

**5.** A county government shall —

- (a) develop and implement a digital literacy program that is consistent with the national policies and guidelines;
- (b) put in place the necessary training infrastructure, equipment, learning and teaching resources in the delivery of digital literacy programs;
- (c) formulate and implement county specific programmes, plans and policies to ensure availability, accessibility and effective delivery of digital literacy programs;
- (d) be responsible for the staffing and supervision of personnel in community digital literacy hubs in the county;
- (e) collaborate with other county governments and the National Government in ensuring the effective and efficient implementation of digital literacy programs;

Functions of county governments.

- (f) contribute to the creation of cloud infrastructure for digital literacy training content;
- (g) develop and implement digital literacy programs targeting the professional development of public servants within the respective counties;
- (h) collaborate with the private sector and other local and international stakeholders in the development and implementation of internationally recognized digital literacy programs;
- (i) carry out public awareness and advocacy programmes in relation to digital literacy programs within the country; and
- (j) provide regular reports on the progress and outcomes of their digital literacy programs, to ensure transparency and accountability to the public and relevant stakeholders.

### **PART III — ESTABLISHMENT OF THE DIGITAL LITERACY COMMITTEE**

**6.** There is established the Digital Literacy Committee.

Establishment of the Committee.

- 7.** (1) The functions of the Committee shall be to —
- (a) oversee, co-ordinate and manage the development of the digital literacy programs;
  - (b) make recommendations and advise the Cabinet Secretary on the formulation of policy and strategies for the development and implementation of the digital literacy programs;
  - (c) make recommendations to the Cabinet Secretary on the minimum standard requirement for the digital literacy programs;
  - (d) appraise, evaluate and approve digital literacy reports submitted to the Committee;
  - (e) oversee, in consultation with county governments, the implementation of digital literacy programs and strategies at the county level;
  - (f) conduct research and adoption of the latest developments and international best practices in the field of digital literacy;

Functions of the Committee.



- (g) monitor the performance of digital literacy and certification programs and making recommendations for improvement;
  - (h) collaborate with county governments in the implementation of the capacity building strategies to improve the capacity of digital literacy trainers to fully leverage the objectives of this Act; and
  - (i) carry out such other functions that may be necessary for the achievement of the objects and purposes of this Act or that may be conferred by any other law.
- (2) The Committee shall, in the performance of its functions under this Act, collaborate with public entities or committees established by the Cabinet Secretary to implement digital literacy programmes at the National level of Government.
- (3) The Committee shall within a period of one year from the date of its constitution –
- (a) develop, and keep an updated comprehensive register of all digital literacy programs;
  - (b) assess the capacity of counties to implement digital literacy programmes in the respective counties; and
  - (c) adopt policies and measures aimed at capacity building within the country.
- 8.** (1) The Committee shall consist of—
- (a) a chairperson appointed by the Cabinet Secretary;
  - (b) the Principal Secretary responsible for matters relating to information, communication and technology or a representative nominated by the Principal Secretary in writing;
  - (c) the Principal Secretary responsible for matters relating to youth affairs or a representative nominated by the Principal Secretary in writing;
  - (d) the Principal Secretary responsible for matters relating to finance or a representative nominated by the Principal Secretary in writing;

Membership of  
the Committee.

- (e) the Principal Secretary responsible for matters relating to education or a representative nominated by the Principal Secretary in writing;
  - (f) four persons with knowledge and experience in matters relating to information, communication and technology nominated by the Council of County Governors;
  - (g) two persons nominated by players in the information, communication and technology sector in such manner as the Cabinet Secretary shall determine; and
  - (h) the Director who shall be the secretary to the Committee.
- (2) The persons nominated under subsection (1) (a), (f) and (g) shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

**9.** (1) The persons nominated under section 8 (1) (a), (f) and (g) shall be appointed for a term of four years renewable for one further term.

Term of office.

(2) No more than two- thirds of the Committee shall be of the same gender.

**10.** A person is qualified for appointment as—

Qualification for appointment.

- (a) the chairperson of the Committee if that person—
  - (i) holds a degree from a university recognised in Kenya;
  - (ii) has knowledge and at least ten years' experience in matters relating to digital literacy; and
  - (iii) meets the requirements of Chapter Six of the Constitution; or
- (b) a member of the Committee under section 8 (1) (f) and (g) if that person—
  - (i) holds a degree from a university recognised in Kenya;
  - (ii) has knowledge and at least five years' experience in matters relating to digital literacy; and

(iii) meets the requirements of Chapter Six of the Constitution.

**11.** A person is not qualified for appointment as a member of the Committee under section 8 (1) (a), (f) and (g) if that person—

Disqualification from membership.

- (a) has violated Chapter Six of the Constitution;
- (b) is adjudged bankrupt; or
- (c) has been convicted of an offence and sentenced to imprisonment for a term of more than six months.

**12.** (1) The office of a member of the Committee appointed under section 8(1) (f) and (g) shall become vacant if the member—

Vacation of office of member.

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (c) is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (d) resigns in writing addressed to the Cabinet Secretary;
- (e) is removed from office by the Cabinet Secretary for —
  - (i) being unable to perform the functions of his or her office by reason of mental or physical infirmity; or
  - (ii) failing to declare his or her interest in any matter being considered or to be considered by the Committee; or
- (f) dies.

**13.** There shall be paid to the members of the Committee such allowances as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission, determine.

Remuneration.

**14.** (1) The Committee shall conduct its affairs in accordance with the provisions of the Schedule.

Conduct of the affairs of the Committee.

(2) Except as otherwise provided in the Schedule, the Committee may regulate its own procedure.

**15.** (1) The Committee may establish such sub-committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act.

Sub-committees  
of the Committee.

(2) The Committee may co-opt a person to sit on a sub-committee established under subsection (1), whose knowledge and skills are found necessary for the effective and efficient performance of the functions of the Committee but such person shall have no right to vote at the meeting.

**16.** (1) The Cabinet Secretary shall designate an appropriate administrative unit within the Ministry responsible for matters relating to Information, Communication Technology to serve as the Secretariat of the Committee.

Secretariat.

(2) The Secretariat shall consist of —

- (a) a Director who shall be competitively recruited by the Public Service Commission and appointed by the Cabinet Secretary; and
- (b) such other public officers as the Cabinet Secretary shall, in consultation with the Committee, designate for the proper performance of the functions of the secretariat under this Act.

(3) The Director and persons designated under subsection (2) (b) shall possess such knowledge and experience in matters relating to digital literacy as the Cabinet Secretary shall, in consultation with the Committee, determine.

**17.** The functions of the Secretariat shall be to —

Functions of the  
Secretariat.

- (a) provide technical and administrative services to the Committee;
- (b) implement the decisions, strategies, programs and policies of the Committee;
- (c) make recommendations to the Committee on the formulation and implementation of programs for the achievement of the functions of the Committee;
- (d) on behalf of the Committee, establish and maintain relationships with international, national and local

institutions involved in digital literacy and other related activities;

- (e) collaborate with State agencies, financial institutions and other stakeholders in the implementation of policies, strategies and programs developed pursuant to this Act;
- (f) train, disseminate information and provide linkages and networks with local and international institutions which engage in capacity building;
- (g) conduct studies, research and investigations in order to keep up with latest developments and international best practices in the field of digital literacy;
- (h) maintain a data base setting out information on –
  - (i) projects and programs on digital literacy with respect to each county, including any relevant indicators of success;
  - (ii) partnership and collaborations with other organizations that are involved in the digital literacy programs; and
  - (iii) evaluation and reviews of digital literacy programs, including improvements made based on the evaluations;
- (i) make arrangements for periodical evaluation of the policies and programs in relation to the objects and functions of the Committee; and
- (j) perform such other functions as may be assigned to it by the Committee.

**PART IV—ESTABLISHMENT OF COMMUNITY DIGITAL HUBS**

**18.** Subject to the Constitution and the provisions of this Act, a county government may establish and maintain community digital hubs.

Establishment of community digital hubs.

**19.** (1) A community digital hub may be sponsored by a private person.

Sponsorship.

(2) A sponsorship arrangement entered into under subsection (1) shall be for the enhancement of digital literacy programmes and contribute directly or indirectly to the quality of the digital literacy programmes administered in the community digital literacy hubs.

(3) A sponsor shall not compromise the implementation of any law applicable to the community digital hubs or compromise the professional standards and ethics of instructors in a community digital hubs.

**20.** (1) The county executive committee member in each county government shall keep and maintain a register of—

Register.

- (a) persons registered to provide digital literacy training within the county;
  - (b) the community digital hubs within the county;
  - (c) the community digital hubs updated assets and liabilities;
  - (d) trainees in all digital literacy hubs;
  - (e) the community digital hubs integrated development plans for inclusion in the County Integrated Development Plans; and
  - (f) such other information as the county executive committee member may determine.
- (2) A person may inspect the register and obtain a copy of, or an extract of the register from the county executive committee member upon payment of such fee as shall be prescribed under the county legislation.

**21.** In establishing a community digital hub, a county government shall ensure that—

Requirements of a community digital hub.

- (a) the premises meet the occupational health, safety regulations and building standards prescribed under the respective county legislation;
- (b) the digital literacy offered at the community digital hub meet the requirements set out under this Act and any other relevant law;
- (c) the community digital hub is accessible, taking into account the need to ensure access by persons with disability;
- (d) trainers and other staff of the community digital hubs are registered and qualified to offer digital literacy training; and

- (e) the community digital hub is equipped with suitable training infrastructure, and learning and teaching resources.

**22.** (1) Each county government shall be responsible for the overall governance and management of the community digital hubs under this Act within the respective county.

Governance of community digital hubs.

(2) The county executive committee member shall, in consultation with the Committee, determine the digital literacy training resources and infrastructure requirements within the county.

**23.** (1) The county executive committee member shall, for the effective management of the community digital hubs —

Management of the community digital hubs.

- (a) consult and collaborate with stakeholders in the governance and management of the community digital hubs;
- (b) decentralize decision making authority on financial and human resources and related functions;
- (c) implement and coordinate the delivery of programs that enhance the required digital skill and digital literacy in the respective county;
- (d) mainstream information, communication and technology;
- (e) accelerate implementation of national Information, Communication and Technology policies and programs on digital skills and digital literacy in order to fast-track socio-economic growth;
- (f) co-ordinate the implementation of projects on digital skills and digital literacy; and
- (g) co-operate and collaborate with relevant regional and international institutions.

(2) (a) For purposes of ensuring effective and efficient management of the community digital hubs, the county executive committee member shall designate an appropriate administrative unit within the department to manage the community digital literacy hubs.

(b) The functions of the administrative unit shall be to

- 
- (i) oversee the provision of training in the community digital hub in accordance with the provisions of this Act or any other law;
- (ii) manage the property of the community digital hubs;
- (iii) manage the digital literacy programmes in the community digital hubs by promoting and maintaining standards, quality and relevance of the training;
- (iv) develop and implement a digital literacy strategic plan for the community digital hub;
- (v) mobilize resources for the community digital hubs;
- (vi) regulate the enrolment of trainees from the community digital hubs;
- (vii) prepare annual estimates of revenue and expenditure for the community digital hubs;
- (viii) incur expenditure on behalf of the community digital hubs;
- (ix) receive, on behalf of the community digital hubs, fees, grants, donations, bequests or other moneys;
- (x) make disbursements on behalf of the community digital hubs; and
- (xi) carry out such other functions as may be necessary for the effective management of the community digital hubs.

**24.** (1) A community digital hub shall employ a person who—

Digital literacy  
trainers.

- (a) is licensed and registered as a trainer in accordance with the respective county legislation;
- (b) meets the requirements set out under Chapter Six of the Constitution;
- (c) has not been adjudged bankrupt;



(d) has not been convicted of an offence and sentenced to imprisonment for at least twelve months; and

(e) meets such other requirements as may be prescribed under this Act or by the respective county legislation.

(2) A county government shall be responsible for the recruitment and remuneration of managers and trainers of the community digital hubs within the county.

(3) The respective county assembly shall appropriate such funds as may be necessary to ensure the recruitment of adequate digital literacy trainers in the county.

**25.** (1) A person shall not offer digital literacy training services unless such person is licensed and registered in accordance with this Act.

Requirement for registration.

(2) A person who fails to comply with subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

**26.** (1) A person who intends to offer digital literacy services shall submit an application for registration to their respective county government in the prescribed form.

Application for registration.

(2) An applicant under subsection (1) shall submit the application for registration together with—

(a) a certificate of registration or in the case of a company, a copy of the memorandum and articles of association of the company;

(b) duly completed and signed application forms in the prescribed form;

(c) a public health or sanitary inspection report;

(d) the Title Deed, allotment letter or a valid lease agreement covering a period not less than five years;

(e) certified copies of professional and academic certificates of all trainers and the manager; and

(f) the prescribed fees.

(3) Notwithstanding subsection (2), the Cabinet Secretary shall in consultation with the council of county

governors, make regulations on the criteria for registration as a private digital literacy service provider.

**PART V—STANDARDS, QUALITY ASSURANCE  
AND RELEVANCE**

**27.** (1) For purposes of assuring standards, quality and relevance in the digital literacy programmes, the Cabinet Secretary shall in consultation with the Committee —

Training  
Standards.

- (a) establish standards and benchmarks for the delivery of the programmes;
- (b) administer policies and guidelines developed under this Act or any other written law to govern the establishment of the digital hubs in accordance with this Act; and
- (c) ensure the maintenance of standards, quality and relevance in all aspects of the digital literacy programmes within the national training system.

(2) The Committee shall, in consultation with stakeholders establish guidelines regarding the standards and quality of the digital hubs that may be used for purposes of conducting digital literacy programmes and training.

**28.** (1) The Committee shall conduct periodic evaluation of each institution and the digital hub for purposes of asserting and evaluating on a regular basis the quality of the programmes offered by each particular institution and digital hub.

Monitoring and  
evaluation.

(2) For purposes of subsection (1) the Committee shall appoint evaluators and monitors for purposes of conducting monitoring and evaluation.

(3) After completion of evaluation and monitoring as provided for under subsection (2), the evaluators and monitors shall prepare a report and submit the same to the Committee.

(4) Any person who refuses, hinders or obstructs evaluators or monitors from carrying out the evaluation commits an offence.

**29.** Notwithstanding section 28, every manager of a digital hub and institution registered under this Act shall

Filing of annual  
report.

file its annual self-evaluation report in the form prescribed by the respective county executive committee member.

(2) The report under subsection (1) shall specify details of any development made in the institution or digital hub including the physical infrastructure and the programmes offered.

(3) An institution or digital hub that fails to comply with the provisions of this section commits an offence under this Act.

**30.** (1) The Committee may by notice in writing, require an institution or digital hub in default of any set standards to comply within a prescribed time.

Notice to rectify.

(2) If an institution or digital hub served with the notice under subsection (1) fails to comply with the notice, the Committee may close the institution or digital hub permanently or until the notice is complied with.

(3) A person aggrieved by the decision of the Committee under subsection (2) may appeal to the Cabinet Secretary within thirty days of the decision.

**31.** (1) The Cabinet Secretary shall in consultation with the Committee and Kenya Institute of Curriculum Development, develop a digital literacy training and certification curricula.

Framework of curriculum.

(2) The Cabinet Secretary shall in consultation with the Digital Literacy Committee, the Kenya Institute of Curriculum Development, and county executive committee members, review the curriculum framework to be implemented by counties to suit specific or special needs of the counties.

(3) As soon as practicable after reviewing the curriculum framework, the county executive committee member shall publish, by notice in the *Gazette*,—

- (a) the prescribed or reviewed curriculum framework;
- (b) any amendments to the curriculum framework; and
- (c) information regarding the place, time and manner in which a person can obtain information on, or a copy of, the curriculum framework or any amendments to it.

**32.** The digital literacy programmes under this Act shall be designed so as to operate within a framework which—

Digital Literacy programs.

- (a) increases digital literacy among citizens, including the ability to use digital devices and technology for basic tasks such as communication, information access, and problem-solving;
- (b) prepare individuals for in-demand digital jobs and provision of digital government services;
- (c) provide opportunities for individuals to upskill or reskill and increase their employability in the digital economy;
- (d) ensures that every citizen has the skills they need to use their choice of digital technology appropriately;
- (e) promotes digital citizenship and ethical behaviour online, including the safe and responsible use of technology;
- (f) enhances e-commerce and online business skills, including online marketing and payment processing;
- (g) improves digital security and privacy, including the safe storage and protection of personal and financial information; and
- (h) encourages innovation and entrepreneurship in the digital space.

**33.** (1) The county executive committee member in collaboration with the recognised digital literacy hub and institution shall—

Examination and competency assessment.

- (a) be responsible for administering examination and assessing competencies; and
- (b) issue a certificate to a trainee who satisfies examination and competencies requirement.

(2) Where satisfied that the skills or competencies acquired by a person are equivalent to qualifications within the training framework, the manager of the digital hub and institution may issue corresponding certificates on such terms and conditions as the Cabinet Secretary and the Committee may determine.

**34.** (1) The Cabinet Secretary shall, in consultation with the county executive committee members and relevant quality assurance and standards bodies, formulate quality assurance standards that are relevant to digital literacy training and certification programs.

Quality assurance.

(2) The Cabinet Secretary, in formulating the standards under subsection (1), shall take into account -

- (a) adoption of appropriate national and international standards;
- (b) credible quality assurance systems; and
- (c) processes for the continuous review and improvement of standards and quality assurance.

**35.** (1) A county may develop county specific legislation on digital literacy prescribing —

County  
Legislation.

- (a) the criteria for developing digital literacy programmes
- (b) information required to be submitted by an applicant for digital literacy programmes
- (c) the criteria for the issuance of licenses by an applicant or an entity wishing to provide digital literacy programmes
- (d) the conditions for the issuance or renewal of a licence under this Act; and
- (e) such other provisions as the county government shall consider necessary.

(2) Where county legislation has not been enacted, the provisions of this Act shall, with necessary modifications, apply to that county government.

#### **PART VII—TRANSITIONAL PROVISIONS**

**36.** (1) Subject to subsections (2), (3), and (6), every institution that, immediately before the commencement of this Act, was registered as an institution offering digital literacy training services shall be deemed to be registered as a private institution under this Act, and continue to be so licensed for a period of one year after the commencement of this Act subject to such conditions of registration as may be imposed under this Act.

Existing  
institutions.

(2) Despite subsection (1), the Committee may give written notice to the registered owner of a private institution registered under subsection (1), requiring the service provider who operates the institution to apply for registration under section 26 within three months of the date of that notice, and—

- (a) if that service provider fails to make such an application within the specified period, the institution ceases to be registered under subsection (1) at the end of that period; or
- (b) if that service provider makes the application within the required period, the institution continues to be registered under subsection (1) until that application has been determined.

(3) Despite subsection (1), if subsection (4) applies, the Committee may, by written notice to the service provider who operates an institution that is deemed to be registered under subsection (1), declare that the institution is no longer registered under subsection (1) and the notice takes effect accordingly.

(4) The Committee may give a notice under subsection (3) only if it is satisfied that the service provider or the institution—

- (a) has failed to comply with this Act on the requirements of registration; or
- (b) fails to comply with any conditions for registration.

(5) The Committee may, despite the fact that the institution concerned does not meet the minimum requirements for registration under section 26, issue to the service provider operating the institution a transitional certificate in such manner as the county executive committee member may prescribe and subject to such conditions as he or she may impose.

(6) Where the Committee is not satisfied that the conditions specified in a certificate issued under subsection (5) are being complied with, the Committee may, by written notice to the service provider operating the institution, cancel the certificate.

(7) Every notice under subsection (3) or subsection (6) shall set out the reasons for the action taken.

(8) Subsections (1) to (6) shall not limit any powers to cancel or suspend the registration of an institution in the manner prescribed by the Cabinet Secretary.

### **PART VIII — MISCELLANEOUS PROVISIONS**

**37.** (1) The Cabinet Secretary may upon consultation with the Committee and the county executive committee members make regulations —

Regulations.

- (a) prescribing anything that may be prescribed under this Act;
- (b) on the establishment of the community digital hubs; and
- (c) generally for the better carrying out of provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may upon consultation with the county executive committee members make regulations —

- (a) on appropriate structure for training programs; and
- (b) to secure appropriate institutional linkage between the ICT stakeholders and education stakeholders in promotion of digital literacy training programs in formal education system as appropriate;

(3) The Cabinet secretary may upon consultation with the Committee and the County executive committee members make regulations with respect to the conduct and management of the community digital hubs and such regulations may —

- (a) prescribe standards with regards to the numbers and qualifications of staff, the size of classes and the expenditure on training standards in accordance with international best practices;
- (b) provide for the preparation or approval of curricula and other training materials and equipment;
- (c) provide for or prescribe such other matters as the Cabinet Secretary considers necessary

**38.** The Public Service (Values and Principles) Act is amended —

Amendment to Cap. 185A.

- (a) in section 2 by inserting the following new definition in its proper alphabetical sequence —
  - “digital literacy” means the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical digital skills at a basic level.
- (b) in section 17 (2) by inserting the following new paragraph immediately after paragraph (m)—
  - (ma) the provision for digital literacy training and certification for public servants.



**SCHEDULE**

**s. 14**

**PROVISIONS RELATING TO THE CONDUCT OF MEETINGS  
OF THE COMMITTEE**

1. The Committee shall meet at least once in every three months to conduct the business of the Committee.

2. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Committee at any time, where he or she considers it expedient for the transaction of the business of the Committee.

3. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee by the Director.

4. The quorum at a meeting of the Committee shall be half of the members or such greater number as may be determined by the Committee in respect of an important matter.

5. The chairperson shall preside at the meetings of the Committee and in the absence of the chairperson, the vice-chairperson or a member of the Committee elected by the members present from among their number shall preside.

6. The matters of the Committee shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

7. The proceedings of the Committee shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

8. At the first meeting of the Committee, the members shall elect a vice-chairperson, not being an *ex-officio* member, from among its members.

9. Subject to the provisions of this Schedule, the Committee may determine its own procedure and the procedure for any sub-committee of the Committee and for attendance of any other persons at the meetings and may make standing orders in respect thereof.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to provide a coordinated approach in the planning, designing, deployment and management of government digital literacy programmes within the country. The Bill seeks to raise the digital literacy levels of citizens through programmes. Digital literacy has evolved from only being able to send an email or type using word processing programme and it is now being able to work adaptably and strategically across various digital tools, devices, and platforms. It is essential for both citizens and public servants to acquire digital skills to adapt to the ever-changing tools and approaches in the digital age.

The government of Kenya plans to digitize all its services, this bill will therefore ensure that every citizen can easily access government services after acquiring the necessary digital skills. Additionally, public servants who undergo digital literacy training will be able to provide efficient digital services. The bill aims to address the growing demand for digital literacy, as well as to bridge the digital divide in Kenya, by offering programs at both the national and county levels that validate the skills and knowledge of individuals in the use of digital technologies.

In addition, the bill seeks to increase access to technology and the internet in low-income and rural communities by establishing community digital hubs. If passed this Bill, will support the development of a digital economy that is inclusive and benefits all members of society, regardless of their socio-economic background.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill confers on the Cabinet secretary the power to make regulations under the Act for the purposes of carrying into effect the provisions of the Act. The Bill does not limit any fundamental rights or freedoms.

### **Statement on how the Bill concerns county governments**

The Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution as it contains provisions that affect functions of County Executive Committee Member.

### **Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 29th February, 2024.

KAREN NJERI NYAMU,  
*Senator.*