

PARLIAMENT OF KENYA

THE SENATE

BILL DIGEST

THE ARTIFICIAL INTELLIGENCE BILL, 2026
SENATE BILLS NO. 4 OF 2026.

Sponsor:	Sen. Karen Nyamu.
Date of Publication:	19 th February, 2026.
Date of First Reading:	2 nd April, 2026.
Type of Bill:	Ordinary Bill.

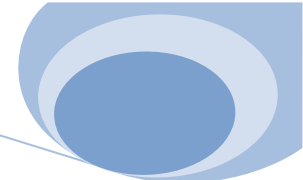
1. PURPOSE OF THE BILL

The principal object of the Bill is to regulate and govern artificial intelligence (AI) in Kenya, ensuring ethical, transparent, and accountable use while fostering innovation and safeguarding human rights, data protection, and public welfare. It also establishes the Office of the Artificial Intelligence Commissioner.

2. BACKGROUND OF THE BILL

Artificial Intelligence has greatly transformed the manner in which data is synthesised and information reproduced for various purposes. Similarly, the efficiencies brought about by use of artificial intelligence have led to its widespread use at an individual and institutional level throughout the globe.

Notwithstanding the benefits of artificial intelligence, a lot of concern has been raised on the effects of its usage and the resultant ethical implications in society; including originality of academic and creative work, disruption in employment opportunities and rendering various professional skills redundant and usage by minors.



It is for this reason that the proposed Artificial Intelligence Bill, 2026 has been drafted in order to establish a regulatory framework that fully leverages the transformative impact of artificial intelligence and simultaneously mitigate any negative consequences arising from its usage.

3. OVERVIEW OF THE BILL

Scope of Artificial Intelligence

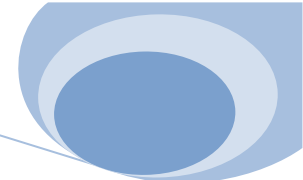
Artificial Intelligence has been defined as a machine-based system or technology using technologies that leverage machine learning, data processing, algorithmic systems, or other methods to operate with varying levels of autonomy and adaptiveness, inferring outputs such as predictions, content, recommendations, or decisions from inputs, and includes systems or technologies that perform tasks typically requiring human intelligence, such as automated decision-making, language processing, and computer vision.

This broad definition under the Bill seeks to capture the wide and complex systems that encompass Artificial Intelligence and similarly seeks to address the various usages of artificial intelligence for effective regulation.

Object and Purpose

The purpose and objective of the Bill is to--

- (a) provide a regulatory framework for artificial intelligence in Kenya;
- (b) ensure ethical and transparent artificial intelligence use;
- (c) support and foster innovation;
- (d) safeguard human rights and data protection of the public;
- (e) establish the Office of the Artificial Intelligence Commissioner;
- (f) promote artificial intelligence literacy and provide advice to county governments on its integration in devolved sectors; and
- (g) align Kenya with international artificial intelligence standards.



What administrative structures has the Bill set up to achieve its objectives?

The Bill has set up the Office of the Artificial Intelligence Commissioner, a state office in accordance with Article 260(q) of the Constitution. The Office shall comprise of the Artificial Intelligence Commissioner as its head and accounting officer and other staff appointed by the Commissioner.

The Office shall be independent in its functions, have perpetual succession, the capacity to sue and be sued, enter into contracts and perform any such other acts as shall be necessary for the proper performance of its functions.

How will the Artificial Intelligence Commissioner be appointed?

The Public Service Commission (PSC) shall initiate the recruitment of the Artificial Intelligence Commissioner. The Public Service Commission shall within seven days of being notified of a vacancy, invite applications from qualified persons.

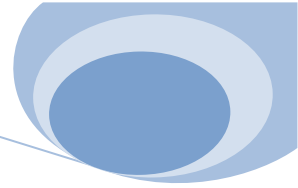
Subsequently, within twenty one days of receipt of applications, the Public Service Commission shall consider the applications, shortlist qualified applicants, publish and publicise the names, conduct interviews transparently and nominate three qualified applicants in the order of merit for submission to the President.

The President shall thereafter nominate and with the approval of Parliament appoint the Artificial Intelligence Commissioner.

What are the qualifications of the Artificial Intelligence Commissioner?

The Bill sets out that a person shall be qualified for appointment as the Artificial Intelligence Commissioner if the person —

- (a) holds a masters degree in artificial intelligence, computer science, ICT, engineering, data science, law, ethics, or related field;
- (b) have at least ten years' experience in a relevant field including artificial intelligence governance, data protection, technology policy or regulatory oversight, ethics, human rights and risk management;
- (c) has at least ten years' experience in the management of public and private institutions; and



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

How long shall the Artificial Intelligence Commissioner Serve?

The Commissioner shall serve for a term of five years and shall be eligible for re-appointment for one further term of five years.

What are the circumstances that may lead to a vacancy in the Office of the Artificial Intelligence Commissioner?

The Office shall become vacant if the holder —

- (a) dies;
- (b) resigns from office by notice in writing; and
- (c) is convicted of an offence and is sentenced to imprisonment for a period exceeding six months without the option of a fine.

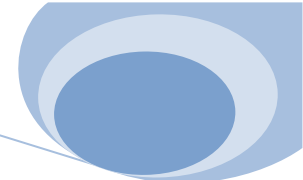
The Commissioner may further be removed from office by the President on the recommendation by the Cabinet Secretary for —

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct, in the performance of the functions of the office or otherwise;
- (c) physical or mental incapacity to perform the functions of the office;
- (d) incompetence; or
- (e) bankruptcy.

What is the procedure the Public may use in reporting a complaint for the removal of the Artificial Intelligence Commissioner?

A person desiring the removal of the Artificial Intelligence Commissioner on the grounds set out above for removal by the President may present a complaint to the Public Service Commission setting out the alleged facts constituting that ground.

The Public Service Commission, subject to Article 47 of the Constitution, shall consider the complaint and if satisfied that the complaint discloses sufficient ground for removal



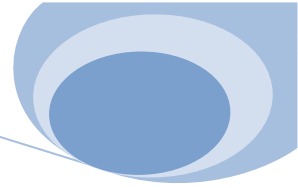
investigate the matter, report the facts and make a recommendation to the Cabinet Secretary.

The Commissioner shall be informed of the reasons for intended removal and offered an opportunity to put in a defence against such allegations prior to any action being taken by the Cabinet Secretary.

What are the principal functions of the Office of the AI Commissioner?

The functions of the Office of the Artificial Intelligence Commissioner shall include-

- (a) overseeing the implementation and enforcement of the Act;
- (b) conducting risk assessments of artificial intelligence systems;
- (c) performing conformity audits and post-market surveillance of artificial intelligence systems;
- (d) assessing high risk artificial intelligence systems to ensure compliance with ethical standards and risk mitigation requirements;
- (e) developing policies, guidelines, codes of practice and standards on artificial intelligence governance, ethics, safety, risk classification and responsible deployment;
- (f) promoting responsible development, deployment and use of artificial intelligence systems in Kenya;
- (g) establishing and managing regulatory sandboxes to facilitate safe innovation, testing and piloting of artificial intelligence;
- (h) receiving and investigating artificial intelligence related complaints;
- (i) collaborating with relevant institutions to align Kenya's artificial intelligence governance with best practices, standards and treaties;
- (j) maintaining a public register of high-risk artificial intelligence systems;
- (k) advising the national and county governments on policy integration of artificial intelligence in devolved functions and international best practices;
- (l) promoting artificial intelligence literacy and capacity building;



- (m) conduction research and monitoring trends;
- (n) maintaining a public register of high risk artificial intelligence systems including those used by county governments;
- (o) promoting equitable access to artificial intelligence infrastructure and benefits; and
- (p) performing any other functions conferred on it by the Act or any other written law.

What administrative powers does the Office of the Artificial Intelligence Commissioner have?

The Office of the Artificial Intelligence Commissioner may:

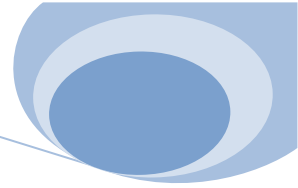
- (a) inspect premises, systems, and records;
- (b) require information from artificial intelligence providers;
- (c) issue enforcement notices or impose fines;
- (d) summon persons to give evidence;
- (e) collaborate with international bodies;
- (f) establish an appeals mechanism for decisions made by the Office; or
- (g) delegate any of its powers or functions to authorized officers.

Who can the Office of the Artificial Intelligence Commission hire?

The Office may appoint deputy commissioners, assistant commissioners, and any other staff necessary to carry out its functions. Appointments will be made in consultation with the Salaries and Remuneration Commission (SRC) and the Public Service Commission (PSC).

What qualifications must the staff have?

All staff must meet the qualifications and experience requirements set out in regulations made under the Act.



How will the Commissioner and staff be compensated?

The Commissioner and the Staff shall be paid remuneration and allowances as advised by the Salaries and Remuneration Commission (SRC).

Can the Artificial Intelligence Commissioner delegate their powers?

Yes. The Commissioner may delegate any power under the Act to a regulator established by an Act of Parliament, subject to conditions they determine.

Will the Commissioner and staff be held personally liable for actions taken in performance of their functions?

No. They are protected from personal liability for actions performed in good faith and in accordance with the Act.

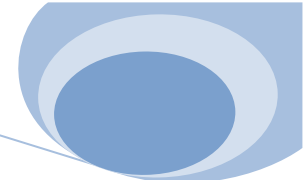
Are staff required to maintain confidentiality?

Yes. The Commissioner and staff must not disclose any information obtained in the course of their duties unless legally authorized to do so.

What is the Advisory Committee on Artificial Intelligence?

The Bill has established a multi-stakeholder committee constituted to advise the Commissioner on Artificial intelligence trends, risks, guidelines, research, and workforce transition. It is comprised of —

- (a) the Artificial Intelligence Commissioner who shall be the Chairperson;
- (b) a representative from the Ministry of ICT;
- (c) a representative of the Office of the Data Protection Commissioner;



- (d) a representative from the National Commission for Science, Technology and Innovation (NACOSTI);
- (e) two persons with expertise in artificial intelligence ethics and human rights appointed by the Cabinet Secretary on the recommendation of the Artificial Intelligence Commissioner and shall hold office for a term of three years and be eligible for re-appointment for one further term of three years;
- (f) two persons of each gender nominated by the Council of Governors; and
- (g) one person representing civil society with expertise in technology or human rights.

What are the functions of the Advisory Committee?

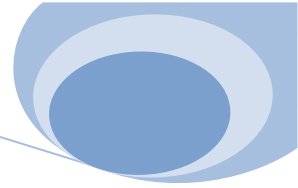
- (a) advise the Artificial Intelligence Commissioner on emerging trends, risks and opportunities;
- (b) review and provide recommendations on guidelines, standards and regulations proposed under the Act;
- (c) facilitate stakeholder engagement;
- (d) promote multi-disciplinary research and collaboration on artificial intelligence governance;
- (e) advise on strategies for workforce re-skilling and transition in response to artificial intelligence induced job changes; and
- (f) perform any other advisory functions as may be requested by the Artificial Intelligence Commissioner.

How often shall the Advisory Committee Meet?

The Advisory Committee shall meet at least four times in a financial year. The quorum shall be half of the members and the committee may regulate its own procedure.

How will the members of the Advisory Committee be compensated?

The members of the Advisory Committee shall be paid such allowances as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.



What are the sources of funds for the Office of the Artificial intelligence Commissioner?

The Office shall receive its funds from —

- (a) money allocated by the National Assembly;
- (b) grants, gifts, donations, or endowments, and
- (c) any funds that accrue or vest in the Office while performing its functions under this Act or other laws.

Who prepares the annual budget for the Office?

The Artificial Intelligence Commissioner prepares the revenue and expenditure estimates at least three months before the new financial year begins.

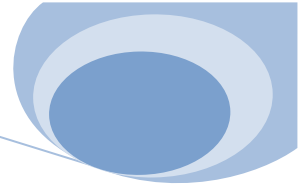
What must be included in the annual expenditure estimates?

The estimates must cover—

- (a) salaries and allowances of staff and Advisory Committee members;
- (b) operational costs of the Office;
- (c) pension and retirement benefit obligations;
- (d) purchase and maintenance of Office equipment;
- (e) training, research, and development activities;
- (f) creation of reserve funds for future or unforeseen liabilities;
- (g) any other expenditure necessary for implementing the Act.

What happens after the budget estimates are prepared?

They are submitted to the Cabinet Secretary, who tables them before the National Assembly.



How are the Office’s accounts handled?

The Office’s accounts must be prepared, audited, and reported according to Articles 226 and 229 of the Constitution, The Public Finance Management Act and The Public Audit Act.

What annual reporting requirements does the Commissioner have?

Within three months after the end of each financial year, the Commissioner must submit an annual report to the Cabinet Secretary which must include —

- (a) financial statements and activities of the Office;
- (b) key developments in Artificial Intelligence;
- (c) risk assessments conducted;
- (d) impact of the Commissioner’s work;
- (e) challenges or impediments to achieving the Act’s objectives; and
- (f) any additional information the Commissioner considers necessary.

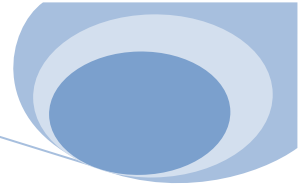
What happens after the Cabinet Secretary receives the annual report?

The Cabinet Secretary must table the report before Parliament within 14 days of receiving it.

How does the Bill classify Artificial Intelligence systems?

The Artificial Intelligence Commissioner shall classify artificial intelligence systems according to the level of risk they pose to health, safety, fundamental rights, the environment or societal welfare. The risk categories shall include —

- (a) unacceptable risk, for systems that pose severe threats;
- (b) high risk, for systems used in critical sectors including healthcare, education, agriculture, finance, security, employment or public administration;



- (c) limited risk, for systems with moderate risks; and
- (d) minimal risk, for systems with negligible risks.

The Commissioner shall update classifications periodically through the recommendations to the Cabinet Secretary, having regard to international standards.

What obligations apply to high-risk AI systems?

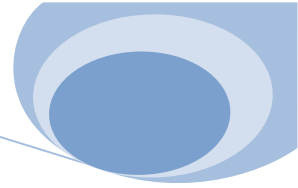
The Bill requires that providers and deployers of high risk artificial intelligence must:

- (a) conduct risk and human rights impact assessments before deployment and implement mitigation measures;
- (b) conduct a human rights impact assessment before deployment;
- (c) ensure transparency, traceability and explainability of the systems decision-making processes;
- (d) keep datasets and system documentation;
- (e) comply with the Data Protection Act;
- (f) ensure robustness and cybersecurity; and
- (g) obtain consent when using a person's likeness or voice.

The Artificial Intelligence Commissioner shall review assessments for systems used in the public sector and prescribe guidelines for conducting assessments.

The Artificial Intelligence Commissioner shall further prescribe guidelines on risk management, security protocols, bias detection and ethical standards for high risk artificial intelligence systems.

The Commissioner shall also maintain a public register of high risk artificial intelligent systems including those used by county governments.



Does the Bill set out transparency measures on the use of Artificial Intelligence?

Artificial intelligence providers and deployers must disclose —

- (a) the nature and purpose of the system;
- (b) how much automation is involved;
- (c) measures taken to mitigate bias; and

Additionally, users must ensure human intervention rights where automated decisions affect individuals.

What other regulatory measures does the Bill propose to mitigate?

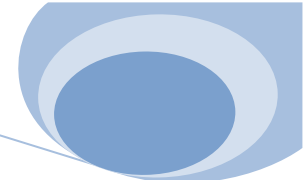
The Bill provides for regulatory sandboxes which are controlled environments created by the Artificial Intelligence Commissioner for testing Artificial Intelligence systems under regulatory supervision to promote safe innovation. Priority will be given to Artificial Intelligence solutions addressing national needs.

Are there provisions on the Ethical use of Artificial Intelligence?

Yes. The Bill sets out that the Artificial Intelligence Commissioner shall establish ethical guidelines addressing the following issues —

- (a) bias, discrimination, and inclusion;
- (b) privacy and human dignity;
- (c) human oversight and accountability;
- (d) environmental sustainability;
- (e) equitable access to benefits; and
- (f) preventing harmful synthetic media and misuse of personal likeness to misinform or harm the reputation of persons.

What initiatives have been set out to improve AI literacy?



The Commissioner must roll out AI literacy programs nationwide to educate the public on benefits and risk of artificial intelligence, including through schools, ICT hubs, and county partnerships. These programmes shall be conducted in both national and county levels.

How does the Bill ensure human-centric AI?

Designers and deployers must ensure AI systems —

- (a) enhance rather than replace human capabilities;
- (b) incorporate features that support human involvement in the system; and
- (c) provide for human oversight in critical decisions made by the system which include review mechanisms that allow a qualified person to intervene or override the system’s outputs where the decisions may affect human rights, safety or societal well-being.

The Cabinet Secretary shall further make regulations prescribing—

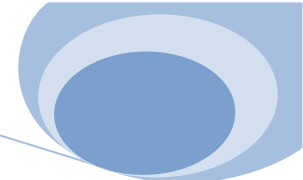
- (a) the manner in which a system enhances human capabilities;
- (b) the features that support human involvement;
- (c) the critical decisions requiring human oversight; and
- (d) the review mechanisms for intervention or override.

What provisions does the Bill have on workforce impact obligations?

The Bill sets out that where Artificial intelligence impacts employment, providers must—

- (a) Conduct workforce impact assessments, including an assessment of potential job displacement; and
- (b) Implement mitigation measures including reskilling programmes in collaboration with relevant national and county government agencies.

The Commissioner shall further in consultation with the relevant agencies, develop guidelines on workforce transition including partnerships for vocation training and incentives for artificial intelligence adoption that creates jobs.



How will artificial intelligence be regulated in the public sector?

All public entities, including counties, must comply with the Act when using AI systems.

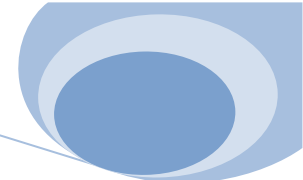
What offences and penalties are created under the Bill?

A person commits an offence if the person—

- (a) deploys or operates an artificial intelligence system classified as an unacceptable risk under section 25, except in circumstances prescribed by regulations;
- (b) deploys a high-risk artificial intelligence system without conducting the required risk assessment or implementing mitigation measures prescribed under sections 26;
- (c) fails to comply with disclosure or transparency obligations under section 28;
- (d) participates in a regulatory sandbox under section 29 without adhering to the prescribed conditions;
- (e) fails to conduct a workforce impact assessment under section 32;
- (f) contravenes ethical guidelines published under this Act, resulting in bias, discrimination or harm to individuals;
- (g) uses an artificial intelligence system in the public sector contrary to this Act, causing prejudice to public benefit or rights;
- (h) obstructs the Office of the Artificial Intelligence Commissioner in the performance of its functions under this Act, including by providing false information or failing to submit required reports; or
- (i) generates, deploys or distributes artificial intelligence generated content, including synthetic media, using a person's image, voice or likeness without their explicit consent, where such content causes or is likely to cause harm, misinformation, defamation or infringement of privacy.

A person who commits an offence under clause 34, will on conviction—

- (a) in the case of an offence under (a), (b), (d), (e), (g) or (i) above to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both;



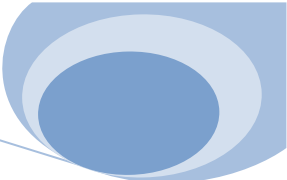
- (b) in the case of an offence under section (c), (f) or (h), to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months, or to both.

Where the offence is committed by a body corporate, every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence to ensure compliance with this Act shall be guilty of the offence.

Are there provisions on subsidiary legislation?

Yes. The Cabinet Secretary in consultation with the Artificial Intelligence Commissioner shall make regulations on —

- (a) the detailed criteria, examples, and procedures for classifying artificial intelligence systems according to risk levels;
- (b) the forms, processes, and timelines for conducting risk assessments, human rights impact assessments, and conformity audits for high-risk artificial intelligence systems;
- (c) the conditions, eligibility criteria, monitoring requirements, and exit strategies for participation in regulatory sandboxes;
- (d) the content, format, and review processes for ethical guidelines, transparency disclosures, and compliance reports;
- (e) frameworks for data governance, including standards for secure data sharing, anonymization, dataset diversity, and localization in artificial intelligence applications;
- (f) procedures for enforcement, investigations, appeals against decisions of the Office;
- (g) mechanisms for public participation, artificial intelligence literacy programs, and collaboration with county governments in devolved sectors;
- (h) fees, forms, and administrative procedures necessary for the implementation of this Act;
- (i) procedures for obtaining consent, labelling artificial intelligence generated content, and reporting non-consensual synthetic media;

- 
- (j) exceptions for legitimate uses of image manipulation in artificial intelligence with safeguards against abuse; and
 - (k) any other matter required to be prescribed under the Act.

How will the Act be reviewed?

Every three years, the Cabinet Secretary is required to review the Act, consult stakeholders, assess new risks, and report to Parliament with recommendations. The review shall include—

- (a) consultations with the Artificial Intelligence Commissioner, the Advisory Committee, relevant stakeholders and the public;
- (b) an assessment of emerging risks, opportunities and international best practices; and
- (c) recommendations for amendments to this Act or related legislation.

The Cabinet Secretary shall, within six months after completion of the review, submit a report on the review, including any recommendations to Parliament for consideration.

4. WAY FORWARD

What next?

The Bill was Read a First Time in the Senate on 2nd April, 2026. Pursuant to standing order 148 of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by 2nd May, 2026.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: ictcommittee.senate@parliament.go.ke

Note:

1. The Digest does not have any official legal status.