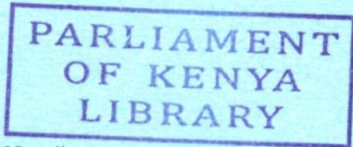


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SCHEDULE

OATH OF OFFICE (s.7)

THE ARTIFICIAL INTELLIGENCE BILL, 2026

A Bill for

AN ACT of Parliament to provide for the regulation and governance of artificial intelligence in Kenya; to establish the Office of the Kenya Artificial Intelligence Commissioner; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Artificial Intelligence Act, 2026.

Short title.

2. In this Act—

Interpretation.

“artificial intelligence” means a machine-based system or collection of 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;

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

“Advisory Committee” means the advisory committee established under section 17;

“Artificial Intelligence Commissioner” means the person appointed under section 5;

“data subject” has the meaning assigned to it under the Data Protection Act;

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“deployer” means a natural or legal person who puts an artificial intelligence system into service or uses it under their authority, but excludes end-users acting in a personal non-professional capacity;

“generative artificial intelligence” means an artificial intelligence system capable of generating text, images, audio, video, or other content based on learned patterns from data inputs;

“high-risk artificial intelligence system” means an artificial intelligence system that poses significant risks to health, safety, fundamental rights, or societal welfare, as prescribed by regulations;

“Office” means the office of the Artificial Intelligence Commissioner established under section 4.

“provider” means a natural or legal person who develops an artificial intelligence system or has it developed and places it on the market or puts it into service under their own name or trademark;

“regulatory sandbox” means a controlled environment for testing artificial intelligence under regulatory oversight.

“synthetic media” means media content generated or manipulated using generative artificial intelligence that depicts events, speech, or appearances that did not occur; and

“user” means a natural or legal person who interacts with or is affected by an artificial intelligence system, including end-users in a personal or professional capacity.

3. The objects of this Act are to—

Objects of the Act.

- (a) provide a framework for the regulation and governance of artificial intelligence in Kenya;
- (b) ensure the ethical, transparent and accountable use of artificial intelligence;
- (c) foster innovation in artificial intelligence;
- (d) safeguard human rights, data protection and public welfare in relation to artificial intelligence;
- (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 with international standards on artificial intelligence.

**PART II: ESTABLISHMENT OF THE OFFICE OF
THE ARTIFICIAL INTELLIGENCE
COMMISSIONER**

4. (1) There is established the Office of the Artificial Intelligence Commissioner. Establishment of the Office.

(2) The Office is designated as a State Office in accordance with Article 260(q) of the Constitution.

(3) The Office shall comprise the Artificial Intelligence Commissioner as its head and accounting officer, and other staff appointed by the Commissioner.

(4) The Office shall be independent in the performance of its functions and exercise of its powers under this Act.

(5) The Office shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing such other things or acts necessary for the proper performance of its functions, and which may be lawfully done or be performed by a body corporate.

5. (1) The Public Service Commission shall, whenever a vacancy arises in the position of the Artificial Intelligence Commissioner, initiate the recruitment process. Appointment of the Artificial Intelligence Commissioner.

(2) The Public Service Commission shall, within seven days of being notified of a vacancy under subsection (1), invite applications from persons who qualify for nomination and appointment for the position of the Artificial Intelligence Commissioner.

(3) The Public Service Commission shall within twenty-one days of receipt of applications under subsection (2)—

- (a) consider the applications received to determine their compliance with this Act;

- (b) shortlist qualified applicants;
- (c) publish and publicise the names of the applicants and the shortlisted applicants;
- (d) conduct interviews of the shortlisted persons in an open and transparent process;
- (e) nominate three qualified applicants in the order of merit for the position of Artificial Intelligence Commissioner; and
- (f) submit the names of the persons nominated under paragraph (e) to the President.

(4) The President shall nominate and, with approval of Parliament, appoint the Artificial Intelligence Commissioner.

6. (1) A person shall be qualified for appointment as the Artificial Intelligence Commissioner if the person—

Qualification of the Artificial Intelligence Commissioner.

- (a) holds a master's degree in artificial intelligence, computer science, information technology, engineering, data science, law, ethics or a related field from a university recognized in Kenya;
- (b) has 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 or private institutions; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) The Artificial Intelligence Commissioner shall hold office for a term of five years and shall be eligible for re-appointment for one further term of five years.

7. Before assuming office, the Artificial Intelligence Commissioner shall take and subscribe to the oath or affirmation of office as prescribed in the Schedule.

Oath of Office.

8. The Office of the Artificial Intelligence Commissioner shall become vacant if the holder —

Vacancy in the Office of the Artificial Intelligence Commissioner.

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) is removed from office under section 9.

9. (1) The Artificial Intelligence Commissioner may be removed from office by the President on the recommendation by the Cabinet Secretary only for—

Removal from office.

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct, whether 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.

(2) A person desiring the removal of the Artificial Intelligence Commissioner on any ground specified under subsection (1) may present a complaint to the Public Service Commission setting out the alleged facts constituting that ground.

(3) Subject to Article 47 of the Constitution, the Public Service Commission shall consider the complaint and, if satisfied that the complaint discloses a ground under subsection (1) shall—

- (a) investigate the matter expeditiously;
- (b) report on the facts; and
- (c) make a recommendation to the Cabinet Secretary.

(4) Prior to any action under subsection (3), the Artificial Intelligence Commissioner shall be—

- (a) informed, in writing, of the reasons for the intended removal; and
- (b) offered an opportunity to put in a defence against any such allegations.

10. (1) The functions of the Office shall be to—Functions of the
Office.

- (a) oversee the implementation and enforcement of this Act;
- (b) conduct risk assessments of artificial intelligence systems;
- (c) perform conformity audits and post-market surveillance of artificial intelligence systems;
- (d) assess high-risk artificial intelligence systems to ensure compliance with ethical standards and risk mitigation requirements;
- (e) develop policies, guidelines, codes of practice and standards on artificial intelligence governance, ethics, safety, risk classification and responsible deployment in consultation with the relevant agencies and the public;
- (f) promote responsible development, deployment and use of artificial intelligence systems in Kenya;
- (g) establish and manage regulatory sandboxes to facilitate safe innovation, testing and piloting of artificial intelligence while mitigating risks and promoting local solutions;
- (h) receive and investigate complaints relating to artificial intelligence systems, including harms such as bias, discrimination or infringement of rights;
- (i) collaborate with relevant national, regional and international bodies to align Kenya's artificial intelligence governance with best practices, standards and treaties;
- (j) advise the National Government and its entities and the county governments on matters relating to policy integration of artificial intelligence in devolved functions and international best practices in artificial intelligence;
- (k) promote public awareness and education on artificial intelligence;

- (l) develop capacity building programs at national and county levels to enhance understanding, adoption and ethical use of artificial intelligence;
- (m) conduct research and monitor trends in artificial intelligence, including foresight studies on environmental impacts and job displacement inform policy and recommend regulatory updates addressing evolving risks and opportunities;
- (n) maintain a public register of high-risk artificial intelligence systems, including those used by county governments;
- (o) promote equitable access to artificial intelligence infrastructure and benefits, including through partnerships for digital inclusion in underserved areas; and
- (p) perform any other functions conferred on it by this Act or any other written law.

(2) The Office of the Artificial Intelligence Commissioner may, in the performance of its functions collaborate with such other relevant bodies as it considers appropriate.

11. (1) The Office shall have all powers necessary for the proper performance of its functions under this Act and, in particular, but without prejudice to the generality of the foregoing, the Office shall have power to—

Powers of the Office.

- (a) enter premises and inspect artificial intelligence systems, records or data upon reasonable notice;
- (b) require the production of records, documents or information relating to artificial intelligence systems;
- (c) issue enforcement notices, orders or directives to ensure compliance;
- (d) impose administrative fines for non-compliance as prescribed by regulations;
- (e) summon persons to give evidence or produce documents;
- (f) collaborate with international bodies on artificial intelligence matters;

- (g) establish an appeals mechanism for decisions made by the Office; and
- (h) delegate any of its powers or functions to authorized officers.

(2) In the exercise of its powers under this section, the Office shall comply with the provisions of the Constitution relating to fair administrative action.

12. (1) The Office may appoint such deputy commissioners, assistant commissioners and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as it may determine, in consultation with the Salaries and Remuneration Commission and the Public Service Commission.

Staff of the Office.

(2) The staff appointed under subsection (1) shall possess such qualifications and experience as may be prescribed by regulations.

13. The Artificial Intelligence Commissioner and staff of the Office shall be paid such remuneration and allowances as the Salaries and Remuneration Commission may advise.

Remuneration of the Artificial Intelligence Commissioner and staff.

14. The Artificial Intelligence Commissioner may, subject to such conditions as they may impose, delegate any power conferred under this Act or any other written law to a regulator established through an Act of Parliament.

Delegation by the Artificial Intelligence Commissioner.

15. The Artificial Intelligence Commissioner or any staff of the Office shall not be held liable for having performed any of their functions in good faith and in accordance with this Act.

Protection from personal liability.

16. The Artificial Intelligence Commissioner, or any staff of the Office, shall not, unless with lawful authority, disclose any information obtained for the purposes of this Act.

Confidentiality agreement.

PART III: ESTABLISHMENT OF THE ADVISORY COMMITTEE ON ARTIFICIAL INTELLIGENCE

17. (1) There is established an Advisory Committee on Artificial Intelligence which shall consist of—

Establishment of the Advisory Committee.

- (a) the Artificial Intelligence Commissioner, who shall be the chairperson;
- (b) a representative of the Cabinet Secretary responsible for information and communications technology;
- (c) a representative of the Office of the Data Protection Commissioner;
- (d) a representative of the National Commission for Science, Technology and Innovation;
- (e) two persons with expertise in artificial intelligence ethics and human rights, nominated by relevant professional bodies;
- (f) two persons, being one man and one woman, nominated by the Council of Governors;
- (g) one person representing the private sector in technology, nominated through a consultative process by registered private sector organizations; and
- (h) one person representing civil society organizations with expertise in technology or human rights, nominated through a consultative process by registered civil society organizations.

(2) The members under paragraph subsection (1) (e) shall be appointed by the Cabinet Secretary on the recommendation of the Artificial Intelligence Commissioner.

(3) A person appointed under subsection (2) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(4) In appointing members, the Cabinet Secretary and the Artificial Intelligence Commissioner shall ensure gender balance, regional representation and inclusion of persons with disabilities.

18. The functions of the Advisory Committee shall be to—

Functions of the
Advisory
Committee.

- (a) advise the Artificial Intelligence Commissioner on emerging trends, risks and opportunities in artificial intelligence;

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

19. (1) The Advisory Committee shall meet at least four times in a financial year.

Meetings and procedure of the Advisory Committee.

(2) The quorum for a meeting shall be half of the members.

(3) The Advisory Committee may regulate its own procedure.

20. 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.

Allowances of the Advisory Committee.

PART IV – FINANCIAL PROVISIONS

21. The funds and assets of the Office shall consist of—

Funds of the Office.

- (a) monies allocated by the National Assembly for purposes of the Office;
- (b) any grants, gifts, donations, or other endowments given to the Office; and
- (c) such funds as may vest in or accrue to the Office in the performance of its functions under this Act or any other written law.

22. (1) At least three months before the commencement of each financial year, the Artificial

Annual estimates.

Intelligence Commissioner shall cause to be prepared estimates of the revenue and expenditure of the Office for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Artificial Intelligence Commissioner for the financial year concerned, and in particular, shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of staff of the Office and the Advisory Committee;
- (b) operations of the functions of the Office;
- (c) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the finances of the Office;
- (d) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Office;
- (e) funding of training, research and development of activities of the Office;
- (f) the creation of such reserve funds to meet future or contingent liabilities or in respect of such other matters as the Data Commissioner may deem fit;
- (g) any other expenditure for the purposes of this Act.

(3) The annual estimates shall be submitted to the Cabinet Secretary for tabling in the National Assembly.

23. The annual accounts of the Office shall be prepared, audited and reported in accordance with the provisions of Articles 226 and 229 of the Constitution, the Public Finance Management Act and the Public Audit Act.

Accounts and
Audit.
Cap. 412A
Cap 412B.

24. (1) The Artificial Intelligence Commissioner shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Office for the immediately preceding year.

Annual reports of
the Office.

(2) The annual report shall contain in respect of the year it relates—

- (a) the financial statements and description of activities of the Office;

- (b) developments in artificial intelligence;
- (c) risk assessments conducted;
- (d) the impact of the exercise of any of the Artificial Intelligence Commissioner's mandate or function;
- (e) any impediments to the achievements of the object and purpose of this Act or any other written law; and
- (f) any other information relating to its functions that the Artificial Intelligence Commissioner may consider necessary.

(3) The Cabinet Secretary shall, within fourteen days of receipt of the report under subsection (1), cause the report to be laid before Parliament.

PART IV – GOVERNANCE OF ARTIFICIAL INTELLIGENCE

25. (1) 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.

Classification of artificial intelligence system.

(2) The Cabinet Secretary shall, on the recommendation of the Artificial Intelligence Commissioner and by regulations, prescribe the categories of classification under subsection (1), including—

- (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;
- (d) minimal risk, for systems with negligible risks.

(3) A system classified as unacceptable risk is prohibited.

(4) The Artificial Intelligence Commissioner shall, having regard to international standards, update the classification criteria periodically through recommendations to the Cabinet Secretary.

26. (1) A provider or deployer of a high-risk artificial intelligence system shall—

Obligations for high-risk artificial intelligence systems.

- (a) conduct a risk assessment before deployment and implement mitigation measures, including human oversight;
- (b) conduct a human rights impact assessment before deployment;
- (c) ensure transparency, traceability and explainability of the system's decision-making processes;
- (d) maintain records of data inputs, training datasets, outputs and performance metrics for at least five years;
- (e) comply with the Data Protection Act, in relation to personal data processing, including conducting data protection impact assessments where required;
- (f) incorporate measures for robustness, accuracy and cybersecurity; and
- (g) where the system generates or manipulates images, voice or likeness, obtain explicit consent from the affected person or their legal representative, and ensure the output is clearly labelled as AI-generated.

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

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

27. The Artificial Intelligence Commissioner shall maintain a public register of high-risk artificial intelligence systems, including those used by county governments.

Register of high-risk artificial intelligence systems.

28. (1) A provider or deployer of an artificial intelligence system shall disclose to users and affected persons—

Artificial Intelligence transparency and safeguards.

- (a) the nature, purpose and limitations of the system;
- (b) the extent to which decisions or outputs are generated by automated processes, including any human intervention; and
- (c) measures taken to identify, mitigate and monitor biases and to ensure fairness.

(2) A user of an artificial intelligence system shall, where automated decisions produce significant legal or similar effects on a person, comply with the Data Protection Act by providing safeguards including the right to human intervention, to express views and to contest the decision.

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(3) A provider of a high-risk artificial intelligence system shall submit annual compliance reports to the Artificial Intelligence Commissioner, and non-confidential information from the reports shall be made available to the public.

29. (1) The Artificial Intelligence Commissioner shall establish regulatory sandboxes for testing artificial intelligence systems in a controlled environment.

Regulatory sandboxes.

(2) The Artificial Intelligence Commissioner shall prescribe the conditions for participation in a regulatory sandbox, including safeguards for ethics, data protection and risk monitoring.

(3) The Artificial Intelligence Commissioner shall, in approving participation in a regulatory sandbox, give priority to innovations that address national priorities and encourage collaboration with county governments.

30. (1) The Artificial Intelligence Commissioner shall develop and publish ethical guidelines for the development, deployment and use of artificial intelligence systems.

Ethical guidelines.

(2) The guidelines under subsection (1) shall address—

- (a) prevention of bias, discrimination and exclusion, with particular regard to vulnerable groups;
- (b) protection of privacy, personal data and human dignity;
- (c) promotion of human oversight, accountability and redress for harms;

- (d) environmental sustainability, including assessments of energy consumption and carbon footprint in artificial intelligence systems;
- (e) equitable access to benefits; and
- (f) prohibition of non-consensual use of personal images or likenesses in AI-generated content, and measures to prevent misinformation or harm to reputation.

(3) The Artificial Intelligence Commissioner shall develop the guidelines in consultation with the relevant agencies and stakeholders and shall review them periodically.

31. (1) The Artificial Intelligence Commissioner shall implement artificial intelligence literacy programmes to educate the public on the benefits, risks and ethical implications of artificial intelligence systems.

Artificial
Intelligence
literacy.

(2) The programmes under subsection (1) shall be conducted at national and county levels, in partnership with relevant institutions, including educational bodies and information and communications technology hubs.

32. (1) A person who designs or deploys an artificial intelligence system shall—

Human-centric
Artificial
Intelligence.

- (a) design or deploy the system in a manner that enhances rather than replaces 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.

(2) The oversight referred to under subsection 3(c) must 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.

(3) The Cabinet Secretary shall 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.

33. (1) A provider or deployer of an artificial intelligence system that is likely to impact employment shall—

Workforce impact obligations.

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

(2) The Artificial Intelligence Commissioner shall in consultation with the relevant agencies develop guidelines on workforce transition, including—

- (a) partnerships for vocational training; and
- (b) incentives for artificial intelligence adoption that creates jobs.

34. A public entity, including a county government, that uses an artificial system shall ensure compliance with this Act.

Use of artificial intelligence in the public sector.

PART VI—GENERAL PROVISIONS

35. (1) A person commits an offence if the person—

Offences and Penalties.

- (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;