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FIFTH SESSION

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STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND
TECHNOLOGY

REPORT ON THE ARTIFICIAL INTELLIGENCE BILL, 2026 (SENATE BILLS
NO. 4 OF 2026)

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

PAPERS LAID	
DATE	7/8/2026
TABLED BY	Sen Ogola
COMMITTEE	—
CLERK AT THE TABLE	Polycarp

on behalf of the
September, 2026 Chair.

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LIST OF ABBREVIATIONS/ACRONYMS

MP	- Member of Parliament
Sen.	- Senator
AI	- Artificial Intelligence
AIC	- Artificial Intelligence Commissioner
AIH-Ke CoP	- Artificial Intelligence in Health Kenya Community of Practice
AISCA	- AI Skills and Compute Africa Foundation
ALN	- Africa Legal Network (Anjarwalla & Khanna LLP)
AmCham	- American Chamber of Commerce, Kenya
AML	- Anti-Money Laundering
API	- Application Programming Interface
AU	- African Union
CA	- Communications Authority of Kenya
CAIDP	- Center for AI and Digital Policy
CBK	- Central Bank of Kenya
CGA	- Cereal Growers Association
CMA	- Capital Markets Authority
COG	- Council of Governors
COTU (K)	- Central Organization of Trade Unions (Kenya)
CRB	- Credit Reference Bureau
CS	- Cabinet Secretary
DPA	- Data Protection Act
DPC	- Data Protection Commissioner
DPGSK	- Data Privacy and Governance Society of Kenya
EU	- European Union
FECMo	- National Coalition on Freedom of Expression and Content Moderation in Kenya
FIDA-Kenya	- Federation of Women Lawyers, Kenya
GPAI	- General Purpose Artificial Intelligence
HELINA	- Pan African Health Informatics Association
HRIA	- Human Rights Impact Assessment
ICS	- Institute of Certified Secretaries

ICT	- Information Communications and Technology
IEBC	- Independent Electoral and Boundaries Commission
IEK	- Institution of Engineers of Kenya
IRA	- Insurance Regulatory Authority
ISO	- International Organization for Standardization
ITPA	- Ideate Tech Policy Africa
KAPI	- Industry Alliance of Health Products and Technologies
KBA	- Kenya Bankers Association
KEBS	- Kenya Bureau of Standards
KICTANet	- Kenya ICT Action Network
KSh	- Kenya Shillings
KUGWO	- Kenya Union of Gig Workers
LLP	- Limited Liability Partnership
MSME	- Micro, Small and Medium-sized Enterprise
NACOSTI	- National Commission for Science, Technology and Innovation
NAIS	- National Artificial Intelligence Strategy
NIS	- National Intelligence Service
NIST	- National Institute of Standards and Technology (United States)
OAK	- Outsourcing Alliance of Kenya
ODPC	- Office of the Data Protection Commissioner
OECD	- Organisation for Economic Co-operation and Development
POCAMLA	- Proceeds of Crime and Anti-Money Laundering Act
PSC	- Public Service Commission
RIA	- Regulatory Impact Assessment
RSK	- Robotics Society of Kenya
SME	- Small and Medium-sized Enterprise
SRC	- Salaries and Remuneration Commission
UNESCO	- United Nations Educational, Scientific and Cultural Organization
UNICEF	- United Nations Children's Fund

PRELIMINARIES

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on Information, Communication and Technology is established under Standing Order 228(4) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to “consider all matters related to technology, engineering and electronic research, information, broadcasting and Information, Communications and Technology (ICT) development.”

MEMBERSHIP OF THE COMMITTEE

The Committee is comprised of the following Members: -



Sen. Allan Kiprotich Chesang; CBS, MP
Chairperson



Sen. Miraj Abdulahi Abdulrahman,
MP
Vice-Chairperson



Sen. William Kipkemai Kisang, CBS,
MP
Member



Sen. Tabitha Karanja Keroche, MGH,
MP
Member



Sen. Samson Kiprotich Cherarkey, MP
Member



Sen. Hezena Lemaletian, MP
Member



Sen. Issa Juma Boy, CBS, MP
Member



Sen. Shakila Abdalla Mohamed, MP
Member



Sen. Agnes Kavindu Muthama, MP
Member

CHAIRPERSON'S FOREWORD

Hon. Speaker,

The Artificial Intelligence Bill, 2026 (Senate Bills No. 4 of 2026), sponsored by Sen. Karen Nyamu, MP, was introduced in the Senate by way of First Reading on 2nd April, 2026 and subsequently stood committed to the Standing Committee on Information, Communication and Technology for consideration.

The Bill seeks 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. The Bill also establishes the Office of the Artificial Intelligence Commissioner.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Star, Daily Nation and Standard newspapers inviting members of the public to submit written memoranda to the Committee on the Bill.

In total, the Committee received written submissions and memoranda from one hundred and forty-three (143) stakeholders, comprising Government agencies, statutory bodies, professional associations, civil society and individual citizens.

Hon. Speaker,

Having comprehensively considered the stakeholders' submissions, the Committee acknowledged the prevailing consensus that the Bill, while being an appropriate step towards regulating the usage of AI in the country, requires extensive sector-led regulatory engagement. The Committee, in arriving at this conclusion, observed the following central concerns among stakeholders:

- (a) that the Bill may regulate AI in a broad manner with consequent punitive provisions for Kenya's current stage of digital and innovation ecosystem development;
- (b) that many jurisdictions are adopting a cautious, phased, innovation-friendly and policy-led approach to AI governance recognising that technology, standards and institutional capacities are still evolving;
- (c) Institutional synergy with the Ministry of ICT is therefore necessary for the development of a comprehensive Bill. That the progression of Artificial Intelligence

is fast changing giving rise to difficulties in predictability of emerging trends and imposing requisite regulatory and compliance requirements;

- (d) that the enactment of the Bill prior to formulation of an AI policy may result in legal and constitutional inconsistencies, set a precedent for fragmented governance of strategic technologies and introduce critical overlaps and misaligned regulatory policy framework devoid of established global best practice; and
- (e) that the Bill assumes a level of centralised regulatory control whereas AI systems are typically developed, trained and deployed across distributed, multi-actor and often cross border environments. Consequently, the Committee observed that a foundational national AI policy should provide a strong basis for technical and regulatory alignment.

The Committee further engaged with the Ministry of Information Communications and the Digital Economy, which indicated that the Ministry is in the final stages of developing the National Artificial Intelligence and Emerging Technologies Policy 2026.

The Committee therefore recommends that the Senate does not proceed with the Bill, to enable the publication and subsequent regulatory alignment with the forthcoming Policy on AI that will address critical and foundational policy gaps in the current state of AI development, deployment and usage in the country.

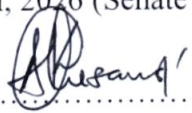
Hon. Speaker,

I wish to extend appreciation to the stakeholders who submitted written memoranda and comments on the Bill.

I also wish to appreciate the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. Lastly, I also thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to Standing Order 148(1), to present the Report of the Standing Committee on Information, Communication and Technology on the Artificial Intelligence Bill, 2026 (Senate Bills No. 4 of 2026).

Signed:  Date: 29/9/2026

SEN. ALLAN KIPROTICH CHESANG', CBS, MP,
CHAIRPERSON, STANDING COMMITTEE ON INFORMATION,
COMMUNICATION AND TECHNOLOGY.

CHAPTER ONE

OVERVIEW OF THE BILL

1.1 Background

1. The Artificial Intelligence Bill 2026 (Senate Bills No. 4 of 2026), sponsored by Sen. Karen Nyamu, MP, was introduced in the Senate by way of First Reading on 2nd April, 2026 and stood committed to the Standing Committee on Information, Communication and Technology for consideration.
2. Kenya's existing legal framework for technology governance is primarily anchored in the Science, Technology and Innovation Act, the Data Protection Act (Cap. 411C) and the Kenya Information and Communications Act. While these laws provide an overarching framework for technology regulation and data protection, none of them specifically and comprehensively addresses the unique opportunities and risks presented by Artificial Intelligence systems. The Bill accordingly addresses the gaps identified in those existing statutes.
3. The rapid proliferation of AI systems across sectors including healthcare, finance, education, agriculture and public administration has created a pressing need for a dedicated legal and institutional framework. Without such a framework, AI deployment in Kenya risks exacerbating bias, discrimination, human rights violations and socioeconomic inequalities, particularly for vulnerable and marginalised groups.
4. It is against this backdrop that the Artificial Intelligence Bill, 2026 seeks to establish a specific legal and institutional framework to guide the ethical, transparent and accountable development, deployment and use of AI systems in Kenya, in alignment with international standards including the European Union Artificial Intelligence Act.

1.2 Objects of the Bill

5. The principal object 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.

1.3 Overview of the Bill

Part I: Preliminary

1. **Clause 1** provides the short title of the Act.
2. **Clause 2** defines key terms used within the Bill, including “artificial intelligence,” “Cabinet Secretary,” “deployer,” “generative artificial intelligence,” “high-risk artificial intelligence system,” “Office,” “provider,” “regulatory sandbox,” “synthetic media” and “user.”
3. **Clause 3** sets out the objects of the Act.

Part II: Establishment of the Office of the Artificial Intelligence Commissioner

4. **Clause 4** establishes the Office of the Artificial Intelligence Commissioner as a State Office in accordance with Article 260(q) of the Constitution. The Office is a body corporate with perpetual succession and a common seal, capable of suing and being sued, taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property, entering into contracts, and performing such other acts as may be lawfully done by a body corporate.
5. **Clause 5** provides for the appointment of the Artificial Intelligence Commissioner. Upon a vacancy arising, the Public Service Commission is required to invite applications within seven days and, within twenty-one days of receipt of applications, consider and shortlist applicants, publish the names of applicants, conduct open and transparent interviews, nominate three qualified applicants in order of merit and submit the nominations to the President. The President shall nominate and, with approval of Parliament, appoint the Commissioner.
6. **Clause 6** sets out the qualifications for appointment as Artificial Intelligence Commissioner, requiring a master’s degree in a relevant field, at least ten years’ experience in AI governance or related disciplines, and compliance with Chapter Six of the Constitution. The Commissioner holds office for a term of five years, eligible for re-appointment for one further term.
7. **Clause 7** provides for the oath of office to be taken by the Commissioner before assuming office, as set out in the Schedule.
8. **Clause 8** sets out the circumstances under which the Office of the Commissioner shall become vacant, including death, resignation, conviction of an offence carrying imprisonment of more than six months, or removal from office.

9. **Clause 9** provides the grounds and procedure for removal of the Commissioner, including serious violation of the Constitution, gross misconduct, physical or mental incapacity, incompetence, or bankruptcy.
10. **Clause 10** sets out the functions of the Office, including overseeing implementation and enforcement of the Act, conducting risk assessments, performing conformity audits and post-market surveillance, developing policies and guidelines, establishing regulatory sandboxes, receiving and investigating complaints relating to AI harms, collaborating with national and international bodies, promoting public awareness, and maintaining a public register of high-risk AI systems.
11. **Clause 11** sets out the powers of the Office, including the power to enter premises, require production of records, issue enforcement notices, impose administrative fines, summon witnesses and establish an appeals mechanism.
12. **Clauses 12 to 16** provide for the administration of the Office, including appointment of staff, remuneration, delegation of powers, protection from personal liability and confidentiality agreement.

Part III: Establishment of the Advisory Committee on Artificial Intelligence

13. **Clause 17** establishes the Advisory Committee on Artificial Intelligence, comprising the AI Commissioner (as chairperson), a representative of the CS for ICT, a representative of the Data Protection Commissioner, a representative of NACOSTI, two experts in AI ethics and human rights, two persons nominated by the Council of Governors, one private sector representative and one civil society representative.
14. **Clause 18** sets out the functions of the Advisory Committee, including advising the Commissioner on emerging AI trends and risks, reviewing proposed guidelines and regulations, facilitating stakeholder engagement, promoting multi-disciplinary research and advising on workforce re-skilling strategies.
15. **Clauses 19 and 20** provide for the meetings and procedure of the Advisory Committee and allowances payable.

Part IV: Financial Provisions

16. **Clause 21** sets out the funds and assets of the Office, comprising monies allocated by the National Assembly, grants, gifts and donations, and funds accruing to the Office in the performance of its functions.
17. **Clause 22** requires the Commissioner to prepare annual estimates at least three months before the commencement of each financial year.

18. **Clause 23** requires annual accounts to be prepared, audited and reported in accordance with Articles 226 and 229 of the Constitution, the Public Finance Management Act and the Public Audit Act.
19. **Clause 24** requires the Commissioner to submit an annual report to the CS within three months after the end of each financial year.

Part V: Governance of Artificial Intelligence

20. **Clause 25** requires the Commissioner to classify AI systems according to their level of risk to health, safety, fundamental rights, the environment or societal welfare, including unacceptable risk, high risk, limited risk and minimal risk.
21. **Clause 26** sets out the obligations for providers or deployers of high-risk AI systems, including conducting risk assessments, human rights impact assessments, ensuring transparency and traceability, maintaining records for at least five years, and complying with the Data Protection Act.
22. **Clause 27** requires the Commissioner to maintain a public register of high-risk AI systems, including those used by county governments.
23. **Clause 28** requires providers and deployers of AI systems to disclose to users and affected persons the nature, purpose and limitations of the system, the extent of automated decision-making, and measures taken to mitigate bias.
24. **Clause 29** provides that the Artificial Intelligence Commissioner shall establish regulatory sandboxes for testing AI systems in a controlled environment under regulatory oversight.
25. **Clause 30** requires the Commissioner to develop and publish ethical guidelines addressing prevention of bias, protection of privacy, promotion of human oversight, environmental sustainability and equitable access.
26. **Clause 31** requires the Commissioner to implement AI literacy programmes to educate the public on the benefits, risks and ethical implications of AI systems.
27. **Clause 32** requires persons who design or deploy AI systems to do so in a manner that enhances rather than replaces human capabilities and provides for human oversight in critical decisions.
28. **Clause 33** sets out workforce impact obligations. A provider or deployer of an AI system that is likely to impact employment is required to conduct a workforce impact assessment and implement mitigation measures.
29. **Clause 34** requires all public entities, including county governments, that use an AI system to ensure compliance with the Act.

Part VI: General Provisions

30. **Clause 35** sets out offences and penalties under the Act. Penalties for the more serious offences are a fine not exceeding five million shillings or imprisonment for a term not exceeding two years, or both.
31. **Clause 36** empowers the CS to make regulations in consultation with the Commissioner.
32. **Clause 37** requires the CS to cause a review of the Act every three years from commencement.

Schedule

33. The Schedule sets out the Oath of Office for the Artificial Intelligence Commissioner as referenced in Clause 7.

CHAPTER TWO

OVERVIEW OF PUBLIC PARTICIPATION

Introduction

34. In compliance with the provisions of Article 118 of the Constitution and Standing Order 145(5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Star, Daily Nation and Standard newspapers inviting members of the public to submit written memoranda to the Committee on the Bill.
35. In total, the Committee received written submissions and memoranda from one hundred and forty-three (143) stakeholders, comprising Government agencies, statutory bodies, professional associations, civil society and private individuals. A list of all stakeholders who submitted written memoranda is set out in Appendix 1 to this Report.

Thematic Synthesis of Submissions

The following are some of the key issues arising from the stakeholder submissions on the Artificial Intelligence Bill, 2026 (Senate Bills No. 4 of 2026). The matrix on stakeholder engagement and Committee resolution is attached to this report.

36. Clause 2 - Interpretation

37. Mr. Edwin K. Mitambo submitted that the clause be amended to clearly define the term “Artificial Intelligence”, in order to avoid ambiguity and provide clarity.
38. Mr. Adrian Omuoso proposed that the definition of “Artificial Intelligence” be narrowed to focus on systems with varying levels of autonomy, noting that the current definition is overbroad and may capture routine software such as spreadsheets or basic statistical models.
39. Mr. Adrian Omuoso further recommended that the Bill should clearly distinguish between “model providers,” “fine-tuners” and “deployers”, to ensure that developers using third-party application programming interfaces (such as those of OpenAI) are not held liable for documentation relating to training data they do not control.
40. FMC Advocates submitted that the Bill should distinguish between provider and deployer, clarify the allocation of responsibilities across providers, deployers, integrators and downstream users, and introduce shared and residual liability, in

order to improve legal certainty and reflect multi-actor deployment structures.

41. FMC Advocates further proposed that the definition of artificial intelligence be refined to include General-Purpose AI Models, hybrid AI systems, Agentic AI, Autonomous AI systems and Generative AI with systemic risks, to provide a more nuanced definition covering emerging technologies and avoid loopholes.
42. The National Intelligence Service (NIS) proposed that the clause be amended to define Agentic AI, AI Agent, autonomous action, AI foundation model, decision support AI, biometric AI, predictive AI and embodied AI, in order to bring clarity.
43. The Office of the Data Protection Commissioner (ODPC) submitted that the clause creates institutional overlap by failing to delineate the jurisdiction of the Artificial Intelligence Commissioner vis-à-vis existing regulators, and proposed that the section be amended to expressly provide that the Commissioner shall exercise its mandate in coordination with existing sector regulators and only in areas not regulated by law, in order to avoid duplication of regulatory functions.
44. Mtoto Newz International Ltd submitted that the clause be amended to insert a definition of “vulnerable groups”, including children, to ensure that children are protected in accordance with Section 53 of the Constitution.
45. Safaricom Plc proposed that the definition of Artificial Intelligence entail a machine-based system designed to operate with varying levels of autonomy and which for explicit or implicit objectives, generates outputs such as predictions, recommendations, decisions or content that influences physical or virtual environments.
46. Safaricom PLC further proposed to include the definition of “General Purpose artificial intelligence model” to mean an AI model trained on broad data scale, capable of performing a wide range of distinct tasks and which may be integrated into downstream systems or products by third parties including but not limited to large language models and multimodal foundation models.
47. Google submitted that the definition of “artificial intelligence” be narrowed to anchor on autonomy and adaptiveness rather than ordinary data processing, on the basis that the current definition captures legacy software such as spam filters and spell-checkers and subjects routine information-technology operations to disproportionate compliance burdens.
48. Google further submitted that the definitions of “deployer” and “developer” be amended to exclude passive end-users, to deem compliance by an entity acting as both provider and deployer of the same system as satisfying both sets of obligations, and to anchor developer obligations to the system’s expressly

designed purpose with a safe harbour for general-purpose AI systems incidentally used in high-risk sectors, on the basis that the current definitions create legal uncertainty and duplicative compliance for general-purpose tool providers.

49. The Central Organization of Trade Unions (Kenya) (COTU (K)) submitted that the Bill adopt a comprehensive definition of “worker” encompassing gig workers, platform workers, independent contractors and AI supply-chain labour such as data annotators and content moderators, on the basis that reliance on traditional employment concepts risks excluding a substantial portion of the workforce most directly managed by AI systems.
50. The Kenya Actors Guild submitted, in similar terms, that the Bill inserts a definition of “worker” covering any person who performs work or services for another party under a platform-mediated, digitally managed or algorithmically controlled arrangement, regardless of whether the relationship is characterised as employment, independent contracting or otherwise, on the basis that the current employment framing creates a dual labour market in which non-standard workers are left unprotected.
51. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil society organisations submitted that the clause include definitions of “digital accessibility” and “data sovereignty”, requiring AI interfaces to comply with international accessibility standards and sensitive national and educational data to be hosted locally, on the basis that this would safeguard persons with disabilities and mitigate the risk of data colonisation.
52. Thomas Louis Advocates submitted that the clause be amended to insert definitions of “deployment”, “placing on the market”, “modification”, “conformity assessment”, “training data”, “AI-enabled surveillance system” and “professional deployer”, on the basis that every compliance obligation in the Bill depends on definitional precision and the absence of a deployment threshold leaves the trigger for compliance obligations indeterminate.
53. Walukhu and Company Advocates submitted, in similar terms, that a dedicated Part on General Purpose AI (GPAI) be inserted imposing mandatory documentation and transparency obligations on GPAI providers, copyright and intellectual property compliance obligations with respect to Kenyan training data, systemic risk assessments for GPAI exceeding a defined threshold of downstream users, and cooperation obligations with downstream deployers for incident response, on the basis that the Bill is silent on foundational models that underpin thousands of downstream applications across all risk categories, a structural gap that the EU AI Act itself was subsequently amended to correct.

54. Microsoft Kenya submitted that the definition of “artificial intelligence” be replaced with the definition adopted by the Organisation for Economic Co-operation and Development, framed around a machine-based system that, for explicit or implicit human-defined goals, infers from the information it receives how to generate outcomes such as content, recommendations or decisions capable of influencing physical or virtual environments, on the basis that a globally consistent, internationally interoperable definition is necessary given the cross-border nature of AI development and use.
55. Microsoft Kenya further submitted that a definition of “AI systems” be inserted, given that the term is used interchangeably with “artificial intelligence” throughout the Bill without being separately defined, on the basis that a shared definition is necessary to foster effective communication and collaboration among policymakers, regulators, developers and the public.
56. Anjarwalla & Khanna LLP (ALN Kenya) submitted that the definition of “regulatory sandbox” be replaced with a definition describing it as a controlled framework set up by a competent authority offering providers the possibility to develop, train, validate and test an innovative AI system pursuant to a sandbox plan for a limited time under regulatory supervision, on the basis that the existing definition is ambiguous.
57. ALN Kenya further proposed that a definition of “sandbox plan” be inserted, meaning a document agreed between the participating provider and the competent authority describing the objectives, conditions, timeframe, methodology and requirements for activities carried out within the regulatory sandbox, on the basis that this definition is presently omitted notwithstanding its centrality to the sandbox framework.
58. ALN Kenya also submitted that definitions of “foreign provider” and “Mutual Artificial Intelligence Recognition Agreement” be inserted, on the basis that the existing definition of “provider” does not distinguish between domestic and foreign providers and no definition addresses entities acting on behalf of foreign providers in Kenya, despite these concepts being foundational to the cross-border compliance framework it proposes elsewhere in the Bill.
59. ALN Kenya further submitted that a definition of “risk” be inserted as the combination of the probability of an occurrence of harm and the severity of that harm, including physical injury, psychological harm, economic loss, unlawful discrimination, violation of privacy or data protection, denial of due process, suppression of lawful speech, cybersecurity compromise or material environmental harm, on the basis that the word “risk” is used forty-two times

across the Bill without being expressly defined.

60. ALN Kenya additionally submitted that a definition of “assessment” be inserted as a structured and systematic process of collecting, verifying and analysing information for the purpose of evaluating a matter against prescribed or defined criteria, including the resulting assessment report, on the basis that the term is used fifteen times across the Bill without being defined.
61. Dimension Data Solutions East Africa Limited and Dimension Data Solutions Limited (NTT DATA) submitted that the definition of “artificial intelligence” be replaced with a definition of “artificial intelligence system” as a machine-based system that, for explicit or implicit objectives, infers from input data how to generate outputs such as predictions, recommendations, decisions or content that can influence physical or virtual environments, and that uses techniques including machine learning, statistical modelling or logic-based approaches, on the basis that the proposed amendment aligns definitions with international AI standards and risk categorisation, providing legal certainty and global harmonisation.
62. NTT DATA further submitted that the definition of “high-risk artificial intelligence system” be varied to mean a system that is intended to be used, or is used, in a context where its operation poses a significant risk of harm to fundamental rights, public safety, health or access to essential services, as prescribed under the Act.
63. NTT DATA additionally submitted that definitions of “limited-risk artificial intelligence system”, “minimal-risk artificial intelligence system” and “automated decision-making” be inserted, distinguishing systems that interact with natural persons or generate content but pose no significant risk, systems presenting negligible or no risk such as those used for internal business processes or productivity support, and the use of an AI system to make or materially influence decisions affecting a person’s legal rights or similarly significant interests without meaningful human oversight, respectively.
64. Amnesty International Kenya and the Watoto Watch Network submitted that the clause be amended to define child and child-directed artificial intelligence system, in order to provide legal certainty for child safeguards.
65. Dr. Andrew Gitau Kimani submitted that the clause be amended to define AI-generated plagiarism, in order to improve academic integrity.
66. Mr. Patrick Mainah submitted that the clause be amended to exclude AI consultancies acting purely as advisors from provider, in order to align obligations with control.
67. Mr. Patrick Mainah submitted that the clause be amended to limit AI definition to

- systems with meaningful autonomy or real-world impact, in order to avoid overbreadth.
68. Mr. Richard Ruoro submitted that the clause be amended to define electoral synthetic media, in order to improve legal certainty.
 69. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to create a foundation model safe harbour for deployers using recognised third-party GPAI, in order to align liability with control.
 70. Mr. Allan Mulama (Allan Mulama Advocates) submitted that the clause be amended to define automated legal service and require supervision by a qualified advocate, in order to protect legal service consumers.
 71. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to define foundation model, autonomous AI agent, algorithmic decision-making system and embedded AI, in order to improve legal certainty.
 72. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to revise the AI definition to align with EU and OECD standards, in order to improve interoperability.
 73. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to narrow user to direct and knowing users, in order to clarify scope.
 74. The Center for AI and Digital Policy (CAIDP) submitted that the clause be amended to adopt a human-centric, technology-neutral AI definition, in order to improve clarity.
 75. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define automated decision-making, affected person, biometric data, critical decision, AI incident, GPAI and foundation model, in order to improve legal certainty.
 76. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define children, vulnerable group, algorithmic impact assessment, HRIA, conformity assessment and post-market monitoring, in order to improve legal certainty.
 77. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define high-risk AI in the Act and schedule initial high-risk and unacceptable systems, in order to improve predictability.
 78. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add lawful-expression safeguards for synthetic media, in order to protect constitutional rights.

79. Dr. Moses M. Thiga submitted that the clause be amended to require local representatives for foreign providers targeting Kenya, in order to strengthen enforcement.
80. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to adopt the Kenya AI Strategy definition of AI and define emerging technologies and AI system, in order to improve clarity.
81. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to define gender impact assessment, in order to support gender-responsive regulation.
82. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to recognise and define AI-enabled gender-based violence, in order to protect women and girls.
83. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to define risk levels and harm, including AI-generated gender-based violence, in order to improve legal certainty.
84. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to include state agencies as providers or developers, in order to ensure public accountability.
85. The KenSafeSpace Coalition proposed to amend the definition to refer to artificial intelligence system, in order to improve drafting clarity.
86. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to define foundation model, autonomous AI agent, algorithmic decision-making system and embedded AI, in order to improve clarity.
87. The Kenya Bankers Association (KBA) submitted that the clause be amended to refine AI definition with autonomy, learning and decision-impact thresholds, in order to improve clarity.
88. The Kenya Bankers Association (KBA) submitted that the clause be amended to distinguish rule-based analytics, advanced AI and generative AI, in order to prevent overbreadth.
89. Mr. Arnold Ochieng Oginga, Mr. Wilson Ngao and Ms. Zahira Ninah submitted that the clause be amended to define Artificial Intelligence as capability of an artificial thing to solve complicated situations using its own intelligence, in order to provide a direct definition.
90. Mr. Arnold Ochieng Oginga, Mr. Wilson Ngao and Ms. Zahira Ninah submitted that the clause be amended to classify AI by capability and functionality, in order to improve conceptual clarity.

91. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to subject the Act to the Strategic Goods Act, in order to protect national security and public safety.
92. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to define inspectors appointed under the Act, in order to clarify enforcement roles.
93. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to define worker to cover platform-mediated, digitally managed and algorithmically controlled work, in order to protect gig workers.
94. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to create a rebuttable employment presumption for purposes of the Act, in order to prevent evasion.
95. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to include labour rights, occupational safety and income security in the high-risk AI definition, in order to protect livelihoods.
96. AmCham and KICTANet submitted that the definition of "artificial intelligence" be amended to focus on autonomy and adaptiveness, in order to align it with international standards.
97. AmCham and KICTANet submitted that the term "use" be defined so as to exclude passive users and to address entities acting as both provider and deployer, in order to clarify the resulting obligations.
98. AmCham and KICTANet submitted that provider obligations be anchored to the intended purpose of the system, in order to align liability with control.
99. AmCham and KICTANet submitted that the term "artificial intelligence systems" be defined clearly, in order to improve legal certainty.
100. Mtoto Newz International Ltd submitted that a definition of "vulnerable groups", including children, be inserted, in order to ensure that children are protected in accordance with Section 53 of the Constitution.
101. Mtoto Newz International Ltd submitted that "child", "children's data" and "children's sensitive personal data" be defined, in order to protect children's privacy.
102. Citibank, N.A., Kenya submitted the following proposal: Refine the definitions of AI, high-risk AI, provider, and deployer, including clear rules where one organisation performs multiple roles. The stakeholder gave the following justification: Precise definitions are necessary for consistent administration and allocation of responsibility.

103. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Use a tiered functional definition distinguishing general-purpose, narrow, and generative AI. The stakeholder gave the following justification: The present definition is overbroad and may cause regulatory overreach.
104. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Define accessible AI system, procedural accommodations, and universal design in alignment with recognised accessibility standards and the UN Convention on the Rights of Persons with Disabilities; (b) Expand synthetic media to include text, audio, visual, and audiovisual content that simulates events, speech, voice, appearance, or conduct that did not occur. The stakeholder gave the following corresponding justifications: (a) Interpretive definitions are needed for consistent disability inclusion throughout the Act; (b) The present wording may omit audio-only voice cloning and other harmful formats.
105. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Define an 'AI System' as a machine-based system designed to operate with varying levels of autonomy and to generate predictions, recommendations, decisions, or content that influence real or virtual environments. Define a 'General-Purpose AI Model' as a model trained on broad data at scale and capable of competently performing a wide range of tasks. Expressly exclude deterministic rule-based software, spreadsheets, traditional database query systems, basic automation scripts, and statistical tools without adaptive learning; (b) Require any amendment to the statutory definition of artificial intelligence to undergo a regulatory impact assessment and at least sixty days of public consultation before gazettelement. The stakeholder gave the following corresponding justifications: (a) The current definition is said to be overbroad and vague enough to capture ordinary software. Distinguishing AI systems from general-purpose models and conventional automation would improve legal certainty and align obligations with technical capability and risk; (b) The scope of the definition determines who is regulated and potentially exposed to penalties. A transparent amendment process would limit abrupt or overbroad expansion of the Act.
106. FinServe Africa Limited submitted the following proposal: Expand the definition of high-risk AI systems to expressly include defence and law-enforcement applications. The stakeholder gave the following justification: Defence and law-enforcement AI carries heightened potential for harm and significant implications for constitutional rights.

107. Kanyi Chapline Ndabana submitted the definition of AI should be narrowed to exclude basic software logic and focus on autonomous learning systems. The stakeholder gave the following justification: The current breadth may capture ordinary web applications and create legal uncertainty for developers.
108. Bloggers Association of Kenya (BAKE) submitted the following proposal: Limit synthetic media to content intended to deceive the public or cause measurable harm. The stakeholder gave the following justification: An overbroad definition may capture ordinary filters and AI-enhanced creative work.
109. Bunge Mashinani School of Governance submitted the following proposal: Expand AI, generative AI, high-risk AI, and synthetic-media definitions to address accessibility, assistive technologies, disability inclusion, human rights, and lawful artistic, journalistic, academic, and personal expression. The stakeholder gave the following justification: Context-sensitive definitions protect persons with disabilities and lawful expression while focusing regulation on demonstrable harm.
110. Kenya Healthcare Federation (KHF) submitted the following proposal: Exclude deterministic rule-based clinical software and ordinary electronic-health alerts from the AI definition unless they use adaptive or machine-learning inference. The stakeholder gave the following justification: An overbroad definition may unexpectedly regulate low-risk health software as AI.
111. Mr. Gerald Kiti submitted the following related proposals: (a) Define algorithmic discrimination as unjustified differential treatment or disproportionate adverse impact caused by AI, linked to constitutional equality, data-protection, employment, and sector law; (b) Separate provider responsibility for design, training data, architecture, and inherent risk from deployer responsibility for context-specific use and impact. The stakeholder gave the following corresponding justifications: (a) An operational definition enables consistent enforcement in credit, employment, insurance, and public services; (b) Functional allocation prevents blame shifting and is essential where systems are imported and deployed locally.
112. Ms. Mutheu Nyagah Khimulu submitted the following related proposals:
 - (a) Align the definition of artificial intelligence with EU and OECD standards, exclude conventional rule-based software, and ensure that non-adaptive but high-risk systems such as credit-scoring and facial-recognition tools remain covered; and
 - (b) Distinguish foundation-model developers, AI providers, fine-tuners, and downstream deployers and allocate obligations according to their control over the

AI value chain.

The stakeholder gave the following corresponding justifications:

- (a) The present definition may overregulate ordinary software while excluding genuinely high-risk systems and may be difficult for courts to apply; and (b) Clear actor-specific duties prevent downstream developers from being held responsible for training data or architecture they do not control.
113. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Separate foundation-model providers from API-dependent downstream deployers and allocate training, architecture, configuration, monitoring and audit duties accordingly; (b) Create a narrowly defined exclusion for AI used exclusively in external intelligence, military operations, and national defence; keep civilian law-enforcement, immigration, public-surveillance, and protest-monitoring systems within the Act and require confidential parliamentary notice whenever the exclusion is invoked. The stakeholder gave the following corresponding justifications: (a) Obligations must correspond to information and control held by each actor; (b) A scoped exclusion protects classified capabilities without creating an unreviewable national-security loophole for intrusive civilian surveillance.
114. Ms. Susan Gatura (Phoenix KE Analytics) submitted the following proposal: Define high-risk AI categories clearly in the Act through genuine consultation with practitioners. The stakeholder gave the following justification: Developers and training ecosystems cannot plan where core classifications are left entirely to future regulations.

Clause 3 - Objects of the Act

115. Institution of Engineers of Kenya (IEK) proposed that a provision be added classifying AI applications in critical infrastructure, including roads, bridges, buildings and dams, as high-risk by default, and ensuring that safety and resilience obligations apply, noting that AI systems used in structural and civil engineering have a direct impact on life safety and public infrastructure
116. The Office of the Data Protection Commissioner (ODPC) submitted, in respect of Clause 3(d), that the words “data protection” be deleted or qualified to apply only in collaboration with the ODPC, in order to preserve the ODPC’s statutory mandate.
117. The Kenya Actors Guild submitted that the objects of the Act be amended to expressly include the protection of labour rights, occupational safety and health, workplace freedoms and the promotion of decent work, on the basis that the current objects focus on regulation, innovation and public interest without

elevating labour as a foundational pillar.

118. COTU (K) submitted, in similar terms, that labour rights and decent work be recognised as core objects of the Act to ensure that interpretation, enforcement and regulatory action are guided by a worker-centred approach.
119. Mr. Allan Mulama (Allan Mulama Advocates) submitted that the clause be amended to apply the Act extraterritorially to AI systems deployed in Kenya or producing significant effects in Kenya, in order to close cross-border gaps.
120. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to apply the Act to foreign providers and deployers whose AI is used or whose outputs are consumed in Kenya, in order to close enforcement gaps.
121. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add continental, regional and international AI standards to the objects, in order to support interoperability.
122. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add objects on inclusive AI, African languages, environmental sustainability, safety, remedy, public accountability and local innovation, in order to broaden the Bill's purpose.
123. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to add an object on gender equality and non-discrimination, in order to promote equality.
124. The KenSafeSpace Coalition submitted that the clause be amended to require all measures and enforcement to comply with the Constitution and international human rights law, in order to protect civic rights.
125. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to apply effects-based jurisdiction to systems placed on the Kenyan market, used in Kenya or consumed by Kenyans, in order to close enforcement gaps.
126. The Kenya Bankers Association (KBA) submitted that the clause be amended to expand objects to protect rights and prevent algorithmic discrimination, in order to promote fairness.
127. The Kenya Bankers Association (KBA) submitted that the clause be amended to include promotion of AI use as an object, in order to support innovation.
128. Mr. Arnold Ochieng Oginga, Mr. Wilson Ngao and Ms. Zahira Ninah proposed to amend objects to promote human-centric trustworthy AI, rights protection, environmental protection and innovation, in order to align with EU-style objectives.

129. Mr. Arnold Ochieng Oginga, Mr. Wilson Ngao and Ms. Zahira Ninah submitted that the clause be amended to delete Clause 3(e) establishing the Office of the AI Commissioner, in order to avoid overlap with ODPC.
130. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to add labour rights, occupational safety and decent work as statutory objects, to centre worker protection.
131. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Insert proportionality and innovation-sensitive regulation as express objects. The stakeholder gave the following justification: The Bill should balance protection with compliance burdens, especially for startups.
132. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Add guiding principles of accessibility, non-discrimination, meaningful participation, procedural accommodation, and substantive equality for persons with disabilities. The stakeholder gave the following justification: A rights-based principle should guide regulators and regulated entities from the outset.
133. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Insert an effects-based application rule providing that the Act applies to providers and deployers established in Kenya, those offering AI systems to persons in Kenya, and those whose systems produce outputs affecting persons in Kenya, regardless of where the systems or outputs originate. The stakeholder gave the following justification: Many consequential AI services used in Kenya are supplied from abroad. An effects-based market-access nexus would prevent foreign providers from escaping Kenyan accountability solely because they lack a local establishment.
134. Mr. Eddy Kimutai submitted the following proposal: Require the regulatory framework to protect the public while expressly supporting technological innovation, investment, and sustainable economic growth. The stakeholder gave the following justification: A balanced statutory objective would reduce the risk that early-stage compliance burdens discourage startups and investors.
135. Bunge Mashinani School of Governance submitted the following proposal: Expressly include persons with disabilities, reasonable accommodation, inclusion, and proportionate innovation promotion among the objects. The stakeholder gave the following justification: The Bill should reflect constitutional equality and avoid purely restrictive implementation.
136. Kenya Healthcare Federation (KHF) submitted the following proposal: Promote responsible local research, entrepreneurship, and public-interest deployment

through risk-proportionate obligations. The stakeholder gave the following justification: Patient protection should coexist with Kenyan health innovation.

Clause 3(2) -Application to Foreign Providers

137. Anjarwalla & Khanna LLP (ALN Kenya) submitted that a new subsection be inserted providing that a foreign provider whose artificial intelligence system is placed on the Kenyan market, accessed or used by persons in Kenya, or deployed by a deployer operating in Kenya, shall comply with the requirements of the Act to the same extent as a provider established in Kenya, to the extent technically and practically feasible, on the basis that the Bill as currently drafted applies only to providers who place systems on the market, an activity that for foreign providers occurs entirely outside Kenya.

Clause 4

138. Communications Authority of Kenya (CA) recommended that the clause be amended to provide that the Office shall be independent and shall be guided by the Advisory Committee in the performance of its functions.
139. The Institute of Certified Secretaries (ICS) submitted that explicit safeguards be introduced to guarantee the operational and financial independence of the Office, including parliamentary oversight of its budget and security-of-tenure protections, on the basis that, while the Office is declared independent, its designation as a State Office subject to executive appointment processes may expose it to political influence, and that independence of regulators is critical to credibility where oversight involves both public and private-sector actors.
140. Nexus Tech Policy Advisors Ltd submitted that an express provision be inserted clarifying coordination mechanisms, including inter-agency consultation requirements and delineation of mandates, and recommended that a coordinated supervisory model be adopted rather than a purely centralised approach, on the basis that the Bill does not sufficiently delineate the relationship between the proposed Office and existing regulators, including the Office of the Data Protection Commissioner and sector-specific authorities, raising concerns of regulatory overlap and fragmentation, particularly in data governance and communications oversight.
141. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to clarify functional independence subject to constitutional accountability, parliamentary oversight and judicial review, in order to protect accountable independence.

142. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to create single-window AI governance and MOUs with ODPC, CA, ICTA, NACOSTI, cybersecurity bodies, sector regulators and counties, in order to prevent fragmentation.
143. Mr. Peter Lemashon Ntutu submitted that the clause be amended to consolidate AI institutions into a single AI Authority as an ODPC AI Division, in order to avoid duplication.
144. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to delete Part II and designate ODPC and CA as oversight bodies, in order to avoid institutional duplication.
145. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to delete the Advisory Committee and rely on ODPC and CA, in order to avoid duplication.
146. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to strengthen ODPC and clarify roles of the AI Commissioner, Data Commissioner and CA, in order to avoid overlap.
147. The Kenya Bankers Association (KBA) submitted that the clause be amended to relegate AI Commissioner functions to the ICT Ministry and regulate financial AI through existing regulators, in order to avoid duplication.
148. The Robotics Society of Kenya (RSK) submitted that the clause be amended to retain the Office of the AI Commissioner as the primary regulator, in order to preserve enforcement architecture.
149. Mr. Michael Onyango submitted that the clause be amended to replace the Office of the AI Commissioner with a Sovereign Intelligence Protocol, in order to avoid centralised regulatory failure.
150. Citibank, N.A., Kenya submitted the following proposal: Prefer sectoral regulation and retain primary supervisory responsibility with existing sector regulators. The stakeholder gave the following justification: Sector regulators understand the activities, operational risks, and consumer outcomes within their mandates.
151. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Guarantee adequate parliamentary funding for the AI Office and prohibit unilateral budget restrictions by the Cabinet Secretary. The stakeholder gave the following justification: Financial security is necessary for institutional independence and effective disability oversight.
152. Sheria Watch submitted the following proposal: Adopt a phased coordination model defining the AI responsibilities of existing regulators before establishing an

- expansive standalone office. The stakeholder gave the following justification: A new office may duplicate the ODPC and Communications Authority and add recurrent expenditure during fiscal constraint.
153. Mr. Eddy Kimutai submitted the following proposal: Streamline the proposed oversight structure, eliminate duplicative mandates, and use coordinated existing institutions where possible. The stakeholder gave the following justification: Multiple overlapping oversight bodies may increase administrative costs, procedural delays, and regulatory uncertainty during a period of fiscal austerity.
 154. FinServe Africa Limited submitted the following proposal: Define strict jurisdictional boundaries, prevent duplication with existing regulators, and require memoranda of understanding and a joint regulatory-governance framework. The stakeholder gave the following justification: Dual supervision by the AI Commissioner and existing regulators, particularly the ODPC, may increase compliance burdens and produce conflicting directions.
 155. Kanyi Chapline Ndabana submitted the following proposal: Consolidate AI oversight within the existing ODPC framework. The stakeholder gave the following justification: Unified regulation would reduce bureaucracy and the cost of doing business.
 156. Bunge Mashinani School of Governance submitted the following proposal: Either remove the Office's independent-office designation or align its structure fully with constitutional safeguards for independent offices. The stakeholder gave the following justification: The present combination of nominal independence and executive control is internally inconsistent.
 157. Mr. Raphael Ngigi submitted the following proposal: Retain the Office of the AI Commissioner as an accountable avenue through which citizens may challenge errors and bias in public-sector AI systems. The stakeholder gave the following justification: Dedicated oversight would promote accountability as automated traffic and camera systems expand.
 158. Ms. Susan Gatura (Phoenix KE Analytics) submitted the following proposal: Expand the ODPC's mandate to cover AI governance instead of establishing multiple overlapping AI bodies. The stakeholder gave the following justification: One well-resourced regulator is more workable than several underfunded bodies with unclear boundaries.
 159. Ms. Fridah Nduta submitted the following proposal: Clarify checks and balances on the Commissioner's inspection, data-demand, and enforcement powers. The stakeholder gave the following justification: Unconstrained powers may lead to overreach and unnecessary restrictions on innovation.

Part II - Establishment of the Office of the Artificial Intelligence Commissioner

160. Mr. Edwin K. Mitambo submitted that Part II of the Bill be deleted in its entirety and proposed that existing institutions be strengthened instead, so as to avoid overlapping roles.
161. Mr. Edwin K. Mitambo also recommended that Parts II and III be deleted and that the institutional design be reconsidered by allocating sector-specific mandates to existing regulators, including the ODPC and the Communications Authority, or, alternatively, that coordination mechanisms and jurisdictional boundaries be clearly defined, in order to prevent duplication, mitigate regulatory overlap, promote efficiency and align with Kenya's existing institutional framework.
162. Mr. Edwin K. Mitambo separately proposed that the establishment of the Office of the AI Commissioner and the Advisory Committee be deleted altogether, on the basis that creating new bureaucratic structures on top of existing institutions, such as the ODPC and the Communications Authority, results in institutional overreach and regulatory overlap.
163. Institution of Engineers of Kenya (IEK) submitted, in respect of Clauses 4 to 15 and 17 to 21 (Parts II and III), that these Parts be deleted in their entirety and that their functions be vested in the Office of the Data Protection Commissioner, on the basis that the ODPC is already mandated to oversee digital data processing, and that creating a separate AI Commissioner would create jurisdictional overlap, regulatory confusion and fiscal inefficiency, requiring substantial public funds for new headquarters, staff salaries, vehicles and administrative overhead.
164. Lawyers Hub (Africa AI Policy Lab) submitted, in similar terms, that rather than create a new Office of the Artificial Intelligence Commissioner, the Bill be redrafted as an Artificial Intelligence (Miscellaneous Amendments) Act amending eleven existing statutes, including the Data Protection Act, the Kenya Information and Communications Act, the Banking Act, the Penal Code and the Employment Act, with enforcement vested in the regulators that already possess sectoral jurisdiction and coordinated by a statutory Digital Governance Coordination Council chaired by the Data Protection Commissioner, on the basis that comparable African jurisdictions, including South Africa, Zimbabwe and Ghana, have rejected the single-regulator model, and that a new State Office would cost an estimated 1.5 to 2.5 billion shillings over five years and take between eighteen and thirty-six months to become operational, a timeline incompatible with the 2027 election cycle.
165. Walukhu and Company Advocates submitted that the Bill's creation of three new

bodies, the AI Commissioner, an AI Authority and an AI Advisory Council, layered over the existing Office of the Data Protection Commissioner, the Communications Authority, the ICT Authority and KE-CIRT/CC, fragments oversight and multiplies compliance points without fiscal justification, and proposed a two-stage institutional model: an interim distribution of AI governance between the ODPC, the National Computer and Cybercrimes Coordination Committee and the ICT Authority, followed by the permanent establishment of a Department of AI Governance and Ethics within the proposed National Cybersecurity Authority, supported by a statutorily mandated Single Window compliance filing system, on the basis that the creation of three new regulatory bodies without a fiscal impact analysis runs contrary to Article 201(d) of the Constitution.

166. KAPI – Industry Alliance of Health Products and Technologies submitted, in similar terms, that the Office of the Artificial Intelligence Commissioner be established within the Office of the Data Protection Commissioner rather than as a freestanding body, and that AI regulation be aligned to the Data Protection Act, on the basis that AI governance is closely linked to data privacy and data use.
167. Microsoft Kenya submitted that, rather than establishing a standalone Office of the Artificial Intelligence Commissioner, the functions of the proposed Office be embedded within existing regulatory authorities, on the basis that Kenya’s AI capacity is still developing, that building on existing institutional foundations is more efficient than creating a new body from scratch, and that a proportionate regulatory environment is necessary to create the conditions for AI adoption to scale without overregulation stifling innovation at this stage.
168. AmCham and KICTANet submitted that the functions of the Artificial Intelligence Commissioner be embedded within existing regulators, in order to reduce duplication.

Clause 4(5)(d)

169. Anjarwalla & Khanna LLP (ALN Kenya) submitted that the words “and which may be lawfully done or be performed by a body corporate” be deleted and replaced with the word “legal”, so that the clause reads “doing or performing such other legal things or acts necessary for the proper performance of its functions”, on the basis that the existing wording creates ambiguity and may be interpreted to include the acts or functions of private corporate entities, whereas the amendment confines the Office to its legal functions as a body corporate.
170. Centre for Intellectual Property and Information Technology Law (CIPIT),

Strathmore University submitted the following proposal: Replace the standalone Office and standing Advisory Committee with a joint AI governance body drawing from existing regulators and able to convene task-specific expert panels. The stakeholder gave the following justification: A coordinated interim body avoids duplicated institutions, regulatory fragmentation, and unjustified recurrent expenditure.

171. Ms. Hannah Maina submitted the following proposal: Clarify the independence, roles, and coordination of the AI Commissioner and existing data-protection, ICT, and human-rights regulators. The stakeholder gave the following justification: Defined mandates avoid duplication and gaps in enforcement.
172. Kenya Healthcare Federation (KHF) submitted the following proposal: Use a co-regulatory health model in which existing health, data, professional, ethics, and county bodies retain their mandate and the AI Commissioner provides cross-cutting standards and escalation. The stakeholder gave the following justification: A generalist central regulator should not replace established clinical and digital-health oversight.
173. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Replace overlapping AI bodies with a Joint AI Governance Secretariat coordinating the ODPC, cybersecurity bodies, ICTA, and sector regulators through a single-window portal. The stakeholder gave the following justification: Unified governance reduces duplication while preserving specialised statutory mandates.

Clause 5(4) - Appointment of the Commissioner

174. ALN Kenya submitted that the word “Parliament” be deleted and replaced with “National Assembly”, so that the Commissioner is appointed by the President with the approval of the National Assembly, on the basis that Article 132 of the Constitution unambiguously assigns approval of presidential appointments to the National Assembly, that the Senate has no constitutionally assigned role in such approvals, and that Article 250(2) mandates that holders of independent offices be approved by the National Assembly.
175. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require presidential appointment from the PSC list without rejection power or National Assembly approval, in order to strengthen appointment safeguards.
176. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to clarify the approving House and consider Senate approval, in order to support devolution oversight.
177. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital

- Policy Alumni) submitted that the clause be amended to strengthen public participation in Commissioner recruitment, in order to improve transparency.
178. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Complete recruitment within ninety days of a vacancy and permit a time-limited acting appointment where necessary. The stakeholder gave the following justification: A statutory timeline prevents extended vacancies from paralysing the Office.
179. Bunge Mashinani School of Governance submitted the following proposal: Use an independent, merit-based selection panel including the Law Society, human-rights institutions, and academia instead of presidential nomination alone. The stakeholder gave the following justification: A transparent process reduces political capture.

Clause 6(1)(a) - Qualifications of the Artificial Intelligence Commissioner

180. Institution of Engineers of Kenya (IEK) recommended that the qualifications be broadened beyond a related master's degree to include professional degrees in non-related fields, and bachelor's degrees accompanied by professional computer, telecommunications or engineering qualifications, on the basis that there are no universal standards for master's degrees, and that professional competence depends on individual academic and professional ability, curriculum, institution and instructors.
181. Dr. Andrew Gitau Kimani submitted that the clause be amended to expand Commissioner qualifications to include Security Management, Social Studies, Public Policy and Governance, in order to broaden institutional competence.
182. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add conflict-of-interest and beneficial ownership disclosure requirements, in order to protect independence.
183. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require multidisciplinary senior leadership expertise, in order to improve institutional competence.
184. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to merge qualifications into ten years' relevant management experience in AI governance, data protection or related fields, in order to improve qualification clarity.
185. Mr. Keith Kimani Njunge submitted the following proposal: Reduce or revise the

ten-year experience requirement for the AI Commissioner so that technically qualified experts in the new field of AI governance are eligible. The stakeholder gave the following justification: The current threshold may exclude capable technical experts and favour general administrators.

186. FinServe Africa Limited submitted the following proposal: Apply independence and conflict-of-interest requirements to deputy commissioners, assistant commissioners, and all other staff of the Office. The stakeholder gave the following justification: Consistent ethical standards are necessary to prevent conflicts of interest at every level of regulatory decision-making.
187. Bunge Mashinani School of Governance submitted the following proposal: Reduce the experience requirement to three to five years and use competency-based criteria, including recent AI certifications and demonstrated governance expertise. The stakeholder gave the following justification: A ten-year threshold may exclude youth and qualified experts in a rapidly developing field.
188. Mr. Russel Crowe submitted the following proposal: Replace the narrow ten-year AI-governance requirement with combined experience across technical, legal, data-protection, human-rights, and risk fields; require senior technical officers; and impose a two-year post-tenure cooling-off period. The stakeholder gave the following justification: The field is too new for a literal ten-year threshold and the Office needs assured technical competence and conflict safeguards.

Clause 6(c) - Qualifications of the Artificial Intelligence Commissioner

189. Ideate Tech Policy Africa (ITPA) submitted that the requirement of “at least ten years’ experience in the management of public or private institutions” be replaced with “knowledge and experience of not less than ten years”, on the basis that the management-experience requirement is discriminatory and excludes qualified persons who may possess the necessary skills without having managed an institution, noting that the Office of the AI Commissioner is not itself an institution, unlike the Office of the Data Protection Commissioner, which has no equivalent management-experience requirement.
190. Mr. Arnold Oginga proposed that the entire clause be deleted, leaving the qualification as “knowledge and experience of not less than ten years”, on the basis that a person may possess relevant management experience without having acquired it from a public or private institution, and that the clause as drafted locks out otherwise qualified persons.

Clause 6(2) -Term of Office

191. The Office of the Data Protection Commissioner (ODPC) recommended that the section be amended to align with Article 250(6) of the Constitution by providing for a single, non-renewable six-year term, on the basis that constitutional conformity is mandatory to avoid legal invalidation.
192. Microsoft Kenya submitted, in similar terms, that the Commissioner be appointed for a single, non-renewable term of six years rather than a renewable five-year term, on the basis that a single term of sufficient length provides the business community with the regulatory consistency that is a prerequisite for confident, long-term AI investment and that this would align with the qualifications for the Data Protection Commissioner under the Data Protection Act.
193. AmCham and KICTANet submitted that the Commissioner be given a single, non-renewable six-year term, in order to support the independence of the office.

Clause 8 - Vacancy in the Office of the Artificial Intelligence Commissioner

194. Mr. Richard Ruoro submitted that the clause be amended to provide for an acting Commissioner for a maximum of ninety days, in order to ensure continuity.

Clause 9 - Removal from Office

195. Mr. Wilson Rading (Advocate of the High Court of Kenya, Judicial Officer and Convener, SciTechKe Section, Innovation Council of Kenya) submitted that the clause be amended to allow only a judicial tribunal or a parliamentary resolution to remove the Commissioner, rather than a purely executive process, on the basis that the current process threatens the independence of the Office and creates a real risk of politically motivated removals.
196. Ideate Tech Policy Africa (ITPA) proposed that Clause 9(1) be deleted and amended to vest removal of the Commissioner in the President upon the recommendation of the Cabinet Secretary, with redress mechanisms including a right of appeal to the High Court, the Court of Appeal and the Supreme Court on constitutional matters, on the basis that pegging removal on the Cabinet Secretary's recommendation to the President is unconstitutional, as it usurps the function of the Public Service Commission under Article 234 of the Constitution.
197. Mr. Arnold Oginga submitted, in similar terms, that the clause be deleted and amended so that the Commissioner is removed by the President on the recommendation of the Cabinet Secretary, with redress mechanisms and a right of appeal to the High Court, the Court of Appeal and the Supreme Court on

constitutional matters, on the basis that removal and discipline of the Commissioner is the exclusive constitutional mandate of the Public Service Commission.

198. Thomas Louis Advocates submitted that the Commissioner's removal be made subject to a resolution supported by not less than two-thirds of the members of the National Assembly and the Senate, rather than Presidential action on the recommendation of the Cabinet Secretary, and that the Commissioner's term be fixed at a single, non-renewable six-year term, on the basis that a regulator whose tenure depends on the minister whose ministry's AI deployments it oversees cannot exercise genuine independence.
199. Anjarwalla & Khanna LLP (ALN Kenya) submitted that the ground of removal be amended to read "violation of the Constitution or any other law, including a contravention of Chapter Six", deleting the qualifier "serious", on the basis that the obligations under Chapter Six of the Constitution on leadership and integrity apply to all State officers, including the Commissioner, and should be expressly stated and emphasised.
200. Mr. Allan Mulama (Allan Mulama Advocates) submitted that the clause be amended to require removal through a PSC-initiated independent tribunal with High Court appeal, in order to protect institutional independence.
201. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require removal by Parliamentary ICT Committee or independent tribunal, in order to protect independence.
202. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to strengthen Commissioner removal safeguards through a tribunal or reduced executive control, in order to protect independence.
203. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to use tribunal-based removal with reasons, hearing and parliamentary notification, in order to protect independence and due process.
204. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to define serious violation in the interpretation clause, in order to improve legal certainty.
205. The KenSafeSpace Coalition submitted that the clause be amended to require an independent tribunal and parliamentary approval for Commissioner removal, in order to protect independence.
206. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be

- amended to require Commissioner removal by Parliamentary ICT Committee or independent tribunal, in order to protect independence.
- 207. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Define incompetence as persistent failure to perform statutory functions despite documented warnings or an Advisory Committee resolution. The stakeholder gave the following justification: Objective criteria reduce the risk of arbitrary removal.
 - 208. Bunge Mashinani School of Governance submitted the following proposal: Require independent performance review and audit before reappointment of the Commissioner or Advisory Committee members. The stakeholder gave the following justification: Renewal should be based on merit and demonstrated performance.

Clause 10 -Functions of the Office

- 209. The Architects Alliance recommended that a new subsection be inserted requiring the Office, in the exercise of its functions, to collaborate with and defer to sector-specific regulators established under written law, and not to assume primary regulatory authority over sectoral applications of AI where such authority is vested in another statutory body, on the basis that over-centralisation of regulatory authority risks creating a “super-regulator” that overlaps existing statutory bodies and sector regulators.
- 210. The Office of the Data Protection Commissioner (ODPC) submitted that the provision be revised to limit complaint-handling powers to AI-specific technical compliance issues, in order to ensure clear institutional competence, avoid forum shopping and strengthen coordinated enforcement.
- 211. UNICEF proposed that the clause include a responsibility to continually monitor the impacts of AI systems on children, for the protection of child welfare.
- 212. Uber recommended that the clause provide more detail on the nature of the data to be held on high-risk AI systems, noting a lack of clarity on what the register database will contain.
- 213. Safaricom Plc proposed an amendment to the clause to provide for sector-led AI supervision/interagency or regulator coordination within existing bodies.
- 214. The National Coalition on Freedom of Expression and Content Moderation in Kenya (FECMo) submitted that the Commissioner be required to establish an “AI Exchange”, a secure interoperable digital platform comprising a regulatory compliance analysis module, automated monitoring and anomaly-detection systems, a risk-based inspection targeting tool, a secure inter-agency data-sharing

environment, a regulatory sandbox and a repository of pre-vetted, explainable AI tools, on the basis that the Office's audit, fine and registry powers cannot be efficiently performed through manual processes.

215. FECoMo further submitted that the clause authorise a framework of accredited "Notified Bodies" to perform independent technical conformity assessments of high-risk AI systems, and that Section 10 be amended to authorise a national public cloud computing cluster modelled on California's CalCompute initiative, on the basis that the Office would otherwise bear the entire burden of technical vetting and that Kenyan developers lack affordable access to compute infrastructure.
216. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil society organisations submitted that the Commissioner's functions include a disability audit of high-risk AI systems for algorithmic bias against persons with disabilities, on the basis that training datasets often exclude disability-related nuances, leading to discriminatory outputs.
217. Ms. Gladwell Nduta, an AI/software engineer, submitted that the Office's broad power under Clause 10 to conduct pre-deployment risk assessments will create a technical bottleneck for AI startups, particularly in agentic wallets and personalised commerce, and recommended that the vetting board include active AI engineers and fintech practitioners rather than only legal and administrative officials, on the basis that vetting processes that are not rapid and technically competent will cause local startups to lose their competitive edge against global players.
218. Microsoft Kenya submitted that the Office operate as a coordinating and oversight body working in collaboration with existing sector regulators, standards bodies and accredited conformity assessment entities, rather than directly performing all technical assessments, on the basis that over-centralisation of policy-setting, supervision and enforcement in a single body risks capacity bottlenecks, regulatory overreach into technical standard-setting and reduced innovation, and that this approach aligns with the European Union's distributed enforcement model combining sector-specific oversight with a conformity assessment ecosystem.
219. Anjarwalla & Khanna LLP (ALN Kenya) submitted that a new paragraph be inserted empowering the Office to prescribe the threshold criteria determining when a foreign provider's system is deemed sufficiently connected to Kenya, on the basis that the Bill as drafted applies only to providers who place systems on the market, an activity that occurs entirely outside Kenya for foreign providers.

220. Dr. Andrew Gitau Kimani submitted that the clause be amended to mandate statutory coordination protocols with ODPC, CA, CBK, KEBS and other regulators, in order to prevent regulatory overlap.
221. Mr. Richard Ruoro submitted that the clause be amended to require MOUs with ODPC, CA, Competition Authority, CBK and KEBS, in order to prevent duplicative regulation.
222. BBC Media Action submitted that the clause be amended to allow audits by the Commissioner and certified independent third parties under strict NDAs, in order to protect confidentiality and capacity.
223. BBC Media Action submitted that the clause be amended to require contextual testing, local datasets and real-world monitoring, in order to improve reliability.
224. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to create structured coordination with sector regulators and sector sandboxes, in order to avoid duplication.
225. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to add an innovation-support function for SMEs, startups, infrastructure and investment, in order to promote innovation.
226. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to prescribe audit methodologies, auditor qualifications and procedural safeguards, in order to improve certainty.
227. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to require consultation periods, response to submissions and complaint procedures, in order to enhance transparency.
228. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to separate policy, enforcement, appeals and advisory functions, in order to reduce conflict of interest.
229. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to subject binding guidelines, standards and classifications to public participation, RIA and publication, in order to improve legality.
230. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add functions for standards, datasets, research, skills, labour transition and partnerships, in order to support ecosystem development.
231. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add AI safety testing and

evaluation functions, in order to improve risk management.

232. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add county implementation framework with Council of Governors, in order to support devolution.
233. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require public reports on AI energy, carbon, water, e-waste and labour impacts, in order to improve sustainability oversight.
234. Dr. Moses M. Thiga submitted that the clause be amended to add university and research-hub capacity-building partnerships, in order to build local capacity.
235. Dr. Moses M. Thiga submitted that the clause be amended to provide incentives for local cloud hosting, data residency and indigenous datasets, in order to promote AI sovereignty.
236. The Kenya Bankers Association (KBA) submitted that the clause be amended to require consultation and MOUs with financial sector regulators, in order to prevent duplicate supervision.
237. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Operationalise equitable access through measurable subsidies, rural deployment programmes, affordability frameworks, and periodic inclusion audits covering rural and urban populations; (b) Establish public-private partnership frameworks defining governance, funding, training, data obligations, risk-sharing, and accountability standards for collaborative AI programmes. The stakeholder gave the following corresponding justifications: (a) Measurable access programmes are needed to ensure underserved communities benefit from AI and are not excluded by infrastructure and cost barriers; (b) Clearly assigned roles and accountability are necessary to prevent regulatory gaps in public-private AI initiatives.
238. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Add functions requiring the Commissioner to promote accessible AI, universal design, accessibility standards, and investigation of disability-based exclusion; (b) Require audits of training and operational datasets for disability bias and annual disability-bias testing of high-risk systems. The stakeholder gave the following corresponding justifications: (a) The Commissioner's current functions do not expressly require action on accessibility; (b) Dataset and model bias may systematically exclude persons with disabilities.

239. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Amend the equitable-access function to require equitable and inclusive access to AI infrastructure and benefits. The stakeholder gave the following justification: Explicit inclusion strengthens protection for persons with disabilities and marginalised groups.
240. Mr. Patrick Miringu submitted the following proposal: Align Kenya's AI governance with OECD and African Union frameworks to support international interoperability and cross-border scaling. The stakeholder gave the following justification: Compatible standards reduce conflicting requirements for Kenyan firms.
241. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Prohibit the Artificial Intelligence Commissioner from simultaneously advising a Cabinet Secretary on a policy concerning AI systems deployed by that Cabinet Secretary's ministry where those systems fall within the Commissioner's regulatory mandate; (b) Require the Office, through the ICT Authority, to pursue mutual-enforcement and information-sharing arrangements with relevant foreign AI, data-protection, and consumer-protection regulators. The stakeholder gave the following corresponding justifications: (a) Combining policy advice with later enforcement or adjudication concerning the same policy may create institutional bias and a conflict of interest; (b) Cross-border cooperation would support joint investigations and coordinated enforcement against foreign AI providers whose systems affect persons in Kenya.
242. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Publish an annual emerging-risk foresight report covering three- to five-year developments, regulatory gaps, and international change, followed by a Senate briefing. The stakeholder gave the following justification: Proactive horizon scanning helps governance keep pace with deployment.
243. FinServe Africa Limited submitted the following proposal: Restrict the Office's functions to AI-specific risks and exclude matters primarily governed by the Data Protection Act, 2019. The stakeholder gave the following justification: Data-processing compliance already falls within the ODPC's mandate; duplicative functions may create conflicting regulatory instructions.
244. Bunge Mashinani School of Governance submitted the following proposal: Define conformity and surveillance audits, add accessibility audits, and require advance public notice and safeguards for high-risk public systems. The stakeholder gave the following justification: Clear audit standards improve accountability and disability inclusion.

245. Kenya Healthcare Federation (KHF) submitted the following proposal: Require risk-proportionate functions and prohibit duplication of sector-regulator approvals and reviews. The stakeholder gave the following justification: Without a proportionality duty, the Office may duplicate health governance and become a bottleneck.
246. Mr. Gerald Kiti submitted the following proposal: Develop national compute and research capacity, public-private infrastructure, university support, and AI workforce programmes. The stakeholder gave the following justification: Kenya should build sovereign capability while regulating risk.
247. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Develop an intellectual-property framework for AI outputs, training on copyrighted works, model scraping, model distillation, and adversarial data poisoning within twenty-four months. The stakeholder gave the following justification: Kenyan developers and creators need clear ownership and model-protection rules.
248. Mr. Russel Crowe submitted the following proposal: Mandate engagement with African Union AI processes and annual reporting to Parliament on Kenya's participation in international AI governance. The stakeholder gave the following justification: Active continental engagement supports Kenya's regional leadership and standards alignment.
249. Mr. Derrick Macharia (Pawanax AI) submitted the following proposal: Promote local data centres, locally developed models, and Kenyan control of critical AI infrastructure. The stakeholder gave the following justification: Domestic infrastructure and local algorithms strengthen digital sovereignty and reduce dependence on foreign systems.

Clause 11-Powers of the Office

250. FMC Advocates submitted that the Bill introduce a functional separation between regulatory, supervisory and adjudicative roles, require publication of binding and non-binding guidelines, and establish internal review and appellate mechanisms, in order to reduce the risk of bias, improve transparency and enhance institutional accountability.
251. The Office of the Data Protection Commissioner (ODPC) proposed that the entire clause be deleted, on the basis that it is unconstitutional and offends the principles of natural justice and fairness under Articles 10, 27, 47, 48 and 50 of the Constitution, as the Office cannot create a body to determine the legality of its own decisions.
252. Mr. Wilson Rading recommended that the clause be amended to require the

Commissioner to obtain a warrant from a Magistrate's Court before exercising the powers set out therein, on the basis that the clause as drafted conflicts with Article 31 of the Constitution, which guarantees the right to privacy.

253. Mr. Wilson Rading further submitted, in respect of Clause 11(g), that an express right of appeal to the High Court be added, with specified timelines for filing appeals and for stays of enforcement, on the basis that the clause as drafted conflicts with Article 48 of the Constitution, which guarantees access to justice.
254. Ideate Tech Policy Africa (ITPA) submitted that Clause 11(1)(g) be deleted entirely, on the basis that empowering the Office to establish its own appeals mechanism is unconstitutional and violates the principle of natural justice, specifically the principle of *nemo iudex in causa sua*, as the Office cannot be the adjudicator of the legality of its own decisions.
255. Safaricom Plc proposed an amendment to the clause to provide for sector-led AI supervision/interagency or regulator coordination within existing bodies.
256. Google submitted that the power of entry and inspection be exercisable only upon a valid court order and a minimum of sixty days' notice for non-emergency inspections, and that information requests be strictly limited to data and systems relevant to operations occurring within Kenya's spatial jurisdiction, on the basis that open-ended inspection mandates risk demands for global source code and proprietary architectures and could deter multinational investment.
257. Walukhu and Company Advocates submitted, in similar terms, that the Commissioner's power to restrict or suspend AI platforms be subject to a court order before any restriction or suspension, a maximum interim administrative suspension of forty-eight hours pending court sanction, mandatory notification to the affected party, and an automatic right of appeal to the High Court exercisable within seven days with an automatic stay pending appeal, and further submitted that the audit-trail and data-retention provisions be subject to an express data-minimisation obligation imposed on the regulator itself, on the basis that unchecked platform-restriction powers create a constitutional risk under Articles 33, 35, 47 and 50, a risk made acute by Kenya's documented history of state-directed digital interference, including the internet shutdown during the June 2024 Finance Bill protests.
258. Microsoft Kenya submitted that Clause 11(1)(a) be amended to specify seventy-two hours' written notice for routine inspections, with an expedited twenty-four-hour procedure for suspected ongoing harm, to require confidentiality agreements for inspectors accessing proprietary AI models or training data, and to allow the Commissioner to recognise accredited third-party auditors to conduct conformity

assessments, on the basis that the clause as drafted lacks specificity on notice periods and safeguards for proprietary information, and limits delegation to statutory regulators alone.

259. Anjarwalla & Khanna LLP (ALN Kenya) submitted that the power of entry be confined to business premises, exercised in accordance with the Data Protection Act and on a minimum of seven days' written notice, and that, where an inspection involves private residential premises, the Commissioner be required to seek a warrant from court, on the basis that the clause as drafted refers broadly to "premises" without distinguishing commercial from private residential premises, which could subject an AI developer working from home to a residential inspection.
260. The Institute of Certified Secretaries (ICS) submitted that due process requirements and clear appeals timelines be introduced in respect of the Office's enforcement powers, on the basis that the broad powers of inspection, fines and summons granted under the clause are not accompanied by detailed procedural safeguards, and that this aligns with Article 47 of the Constitution on fair administrative action and strengthens accountability.
261. Nexus Tech Policy Advisors Ltd submitted, in respect of Clauses 10 and 11, that procedural safeguards be introduced, including requirements for due process, proportionality standards and clearly defined enforcement thresholds, on the basis that the broad investigative and enforcement powers conferred on the Office lack explicit procedural safeguards such as thresholds for intervention, notice requirements and rights of appeal, raising concerns regarding proportionality and administrative fairness.
262. Dr. Andrew Gitau Kimani submitted that the clause be amended to establish an independent AI Appeals Board, in order to enhance procedural fairness.
263. Mr. Patrick Mainah submitted that the clause be amended to define safeguards and limits for inspections and intrusive powers, in order to protect rights and confidentiality.
264. Mr. Patrick Mainah submitted that the clause be amended to provide independent review mechanisms and industry participation, in order to enhance accountability.
265. Mr. Allan Mulama (Allan Mulama Advocates) submitted that the clause be amended to replace self-review with an independent AI Appeals Tribunal, in order to ensure impartial appeals.
266. BBC Media Action submitted that the clause be amended to require court orders and independent oversight for entry and inspection powers, in order to protect

rights.

267. BBC Media Action submitted that the clause be amended to provide High Court appeals from Commissioner decisions, in order to ensure access to justice.
268. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to add inspection and information-gathering safeguards, in order to protect rights and confidential information.
269. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require judicial warrants for intrusive inspections, source code access and privileged or confidential material, in order to protect constitutional rights.
270. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require production notices to state basis, scope, relevance, time, form, confidentiality and review rights, in order to improve procedural fairness.
271. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to set maximum administrative fines and enforcement factors in the Act, in order to improve legality.
272. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to provide independent appeals outside the Office or to the High Court, in order to ensure impartial review.
273. Dr. Moses M. Thiga submitted that the clause be amended to mandate reach-back compliance for foreign entities, in order to close cross-border gaps.
274. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to require particularised justification, warrant or multi-stakeholder approval for sensitive data seizures, in order to protect privacy.
275. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to require annual transparency reports on inspections, in order to enhance accountability.
276. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to provide appeals from AI Commissioner decisions to the High Court, in order to ensure access to justice.
277. The KenSafeSpace Coalition submitted that the clause be amended to add civic-space protections for inspections, directives and enforcement, in order to protect journalism, art, research and civic engagement.
278. The Kenya Bankers Association (KBA) submitted that the clause be amended to coordinate bank inspections with CBK and preserve banking and AML

confidentiality, in order to protect financial confidentiality.

279. Mr. Arnold Ochieng Oginga, Mr. Wilson Ngao and Ms. Zahira Ninah submitted that the clause be amended to delete the power of the Office to establish appeals over its own decisions, in order to protect natural justice.
280. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to empower inspectors or police officers of Chief Inspector rank and above to enter premises, in order to align with criminal procedure.
281. Mr. Kilion Rodney Lemi submitted that the clause be amended to require a High Court warrant for search or seizure of hardware or source code, in order to protect privacy and property.
282. AmCham and KICTANet submitted that inspections be subject to court orders, notice, confidentiality and territorial limits, in order to protect rights and trade secrets.
283. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Replace internal appeals with a right to appeal to the High Court within thirty days and permit establishment of an independent AI Appeals Tribunal. The stakeholder gave the following justification: The regulator should not determine appeals from its own decisions.
284. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Require every enforcement decision of the Commissioner to be accompanied by written reasons and expressly preserve the affected person's right to judicial review under Article 47 of the Constitution; (b) Empower the Commissioner to issue a provisional market-access restriction against a foreign AI system that refuses to comply with registration requirements or is determined, through due process, to pose an unacceptable risk to persons in Kenya. The stakeholder gave the following corresponding justifications: (a) Reasoned decisions and external review are necessary safeguards where the Office exercises investigative and enforcement powers; (b) An extraterritorial application rule requires an effective remedy against foreign providers that decline to submit to Kenyan regulation.
285. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Remove any power of the Commissioner to determine appeals from the Commissioner's own decisions. Provide instead for an appeal within thirty days to the High Court, preferably a Technology and Communications Division, or to an independent AI Appeals Tribunal, with power to affirm, vary, set aside, or substitute the decision. The stakeholder gave the following justification: A

regulator should not investigate, enforce, and adjudicate an appeal arising from its own decision. Independent appellate review would comply with the requirements of impartial administrative action and natural justice.

286. Mr. Eddy Kimutai submitted the following proposal: Subject regulatory action to clearly defined safeguards, objective thresholds, transparent reasons, and impartial enforcement mechanisms that prevent political or administrative overreach. The stakeholder gave the following justification: Predictable safeguards and merit-based administration are necessary to prevent inconsistent enforcement from suppressing emerging technologies.
287. FinServe Africa Limited submitted the following proposal: Subject the Office's powers to a proportionality requirement and mandatory coordination with the ODPC for data-related AI systems. The stakeholder gave the following justification: Uncoordinated inspections, document demands, and enforcement could expose institutions to overlapping audits and inconsistent directions.
288. Bloggers Association of Kenya (BAKE) submitted the following proposal: Require a High Court warrant for inspections and strict compliance with the Data Protection Act. The stakeholder gave the following justification: Warrantless access threatens whistleblowers, civil-society data, privacy, and confidential sources.
289. Bunge Mashinani School of Governance submitted the following proposal: Remove open-ended powers, define reasonable notice, and require warrants, written reasons, proportionality, copyright protection, and judicial review for inspection. The stakeholder gave the following justification: Limits protect privacy, property, and due process.
290. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Require prior High Court authorisation for blocking, restricting, or suspending an AI platform; apply necessity and proportionality tests, limit orders in scope and duration, provide a statutory High Court appeal, and publish reasoned enforcement decisions within thirty days. The stakeholder gave the following justification: Platform restrictions engage freedom of expression, access to information, fair administrative action, and fair-hearing rights and therefore require judicial and transparency safeguards.
291. Mr. Ian Limo Chirchir submitted the following related proposals: (a) Authorise secure remote inspection of cloud systems, require read-only protocols for live environments, and permit independent auditors to corroborate findings; (b) Require judicial warrants before encryption or privacy layers are bypassed and create penalties for officials who leak trade secrets or personal data. The

stakeholder gave the following corresponding justifications: (a) Cloud-native systems need technically safe, verifiable inspection methods that do not cause downtime or regulatory capture; (b) Reciprocal safeguards protect privacy and confidential engineering information during audits.

Clause 12 - Staff of the Office

292. Ideate Tech Policy Africa (ITPA) proposed that the clause be deleted and amended to vest the power to appoint deputy commissioners, assistant commissioners and other staff in the Public Service Commission, on the basis that the current clause unconstitutionally usurps the role of the Commission under Article 234 of the Constitution, which governs all appointments to State Office.
293. Mr. Arnold Oginga submitted, in similar terms, that the clause be deleted and amended to vest the appointing power in the Public Service Commission pursuant to Article 234 of the Constitution.
294. FECoMo submitted that a two-year cooling-off period be introduced preventing technical staff of the Office from joining regulated AI entities immediately after service, on the basis that the absence of such a period risks regulatory capture, consistent with OECD Public Integrity Standards.
295. Dr. Andrew Gitau Kimani submitted that the clause be amended to specify structured Deputy Commissioner roles, in order to improve institutional effectiveness.
296. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Require deputy commissioners to hold a relevant degree and at least seven years' experience in AI governance, data protection, technology policy, law, or a related field. The stakeholder gave the following justification: Senior officers need defined multidisciplinary qualifications.
297. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Organise the Office into operationally distinct Rulemaking and Policy, Enforcement and Investigation, and Sandboxes and Innovation divisions, each led by a Deputy Commissioner. The stakeholder gave the following justification: Separating rulemaking, enforcement, and innovation-support functions would reduce institutional bias, improve specialisation, and create internal checks on concentrated regulatory authority.

Clause 13 -Remuneration of the Commissioner and Staff

298. Anjarwalla & Khanna LLP (ALN Kenya) submitted that the word “may” be

replaced with “shall”, so that the Commissioner and staff of the Office are paid such remuneration and allowances as the Salaries and Remuneration Commission shall advise, on the basis that the Salaries and Remuneration Commission (Remuneration and Benefits of State and Public Officers) Regulations mandate the Commission to advise on the remuneration and benefits of all State officers, and that the clause as drafted creates an option for the Commission to opt out of that mandate.

299. Dr. Moses M. Thiga submitted that the clause be amended to create a specialist salary scale for technical auditors, in order to attract technical expertise.

Clause 14 -Delegation by the Artificial Intelligence Commissioner

300. Ms. Lyla Latif recommended that discretionary delegation be replaced with a mandatory statutory coordination framework between the Commissioner and sector regulators, in order to prevent regulatory overlap and conflict with existing bodies such as the Communications Authority and financial regulators, and to ensure coherent governance.
301. Communications Authority of Kenya (CA) submitted that the scope of delegation by the Commissioner be clearly defined, to avoid uncertain accountability structures and allow the Authority to discharge its functions without outward influence.
302. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to mandate delegation to existing regulators within their mandates, in order to prevent regulatory overlap.
303. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define non-delegable powers and require written, gazetted, time-limited delegations, in order to improve accountability.
304. Bunge Mashinani School of Governance submitted the following proposal: Make delegation written, published, time-limited, reviewable, and clear as to scope, recipient, and liability, and prohibit delegation of core enforcement powers. The stakeholder gave the following justification: Defined delegation prevents abuse and clarifies accountability.

Clause 15 – Protection from Liability

305. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to limit immunity for bad faith, gross negligence, corruption, abuse and rights violations, in order to protect

accountability.

306. The Kenya Bankers Association (KBA) submitted that the clause be amended to create liability or compensation where Commissioner or staff abuse power, in order to improve accountability.
307. Bunge Mashinani School of Governance submitted the following proposal: Exclude gross negligence, abuse of office, and constitutional-rights violations from good-faith immunity. The stakeholder gave the following justification: Statutory protection should not become absolute immunity.

Clause 16 – Confidentiality

308. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to expand confidentiality protections for privilege, personal data, commercial, cybersecurity and national security information, in order to protect sensitive information.
309. The Kenya Bankers Association (KBA) submitted that the clause be amended to add consequences for breach of confidentiality, in order to protect sensitive information.
310. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Create a specific offence and proportionate penalty for unlawful disclosure of confidential information by the Commissioner or staff. The stakeholder gave the following justification: A defined sanction deters breaches that may expose vulnerable persons to stigma or retaliation.
311. Bunge Mashinani School of Governance submitted the following proposal: Add public-interest exceptions for whistleblowing, court orders, parliamentary oversight, and reporting serious rights violations. The stakeholder gave the following justification: Confidentiality should not conceal abuse or frustrate accountability.
312. Mr. Gerald Kiti submitted the following proposal: Protect employees who report AI risks through internal, external, and anonymous channels and provide anti-retaliation remedies. The stakeholder gave the following justification: Technical staff often detect system failures first and need protection to report them.
313. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Protect engineers, employees, compliance officers, and researchers who make good-faith reports of AI non-compliance; provide civil and criminal immunity for protected disclosures and make employer retaliation a separate offence. The stakeholder gave the following justification: Insiders often identify model bias, contamination,

drift, and unsafe deployment first and require protection from dismissal and professional retaliation.

Clause 17 – Composition of the Advisory Committee

314. Mr. Wilson Rading proposed that civil society seats be increased to a minimum of three, with the addition of youth and disability representation, on the basis that the current composition risks producing an echo chamber reflecting technocratic and bureaucratic interests rather than the needs of the public.
315. Ms. Lyla Latif (Committee on Fiscal Studies) recommended that the Advisory Committee include representatives of financial sector regulators, including the Central Bank of Kenya, the Insurance Regulatory Authority and the Capital Markets Authority, on the basis that the financial sector is the most AI-intensive sector in Kenya yet remains unrepresented, creating a governance gap in a high-impact sector affecting millions of citizens.
316. The Architects Alliance submitted that the Advisory Committee include a built-environment representative nominated by a recognised professional body, on the basis that there is a lack of representation from built-environment professionals despite AI's critical role in infrastructure and urban systems.
317. The National Intelligence Service (NIS) proposed that the Advisory Committee include three persons from the national security organs with expertise in cyber security, data security, defence or strategic intelligence, together with representation from the Judiciary, the Attorney-General and the Office of the Director of Public Prosecutions, on the basis that the current composition poses a risk to national security.
318. Institution of Engineers of Kenya (IEK) recommended that a new paragraph (k) be added to Clause 17(1) to include one person representing accredited universities, research institutions, or engineers and engineering professionals with expertise in artificial intelligence, on the basis that the Advisory Committee's composition does not expressly include universities or research institutions despite the Bill assigning it functions that depend on research and technical expertise.
319. Ideate Tech Policy Africa (ITPA) submitted that the clause be amended to include a representative of the Law Society of Kenya as a distinct membership slot, on the basis that the current provision for two persons nominated by unspecified "relevant professional bodies" gives the Commissioner arbitrary power to hand-pick nominees, contrary to public service values under Article 232 of the Constitution.
320. Mr. Arnold Oginga submitted, in similar terms, that a representative of the Law

Society of Kenya be included as a distinct membership slot, for the same reasons.

321. UNICEF proposed that the Advisory Committee include a representative on child rights and young people, including a recognised expert in children's rights and AI, for the protection of child welfare.
322. FECoMo submitted that Clause 17(1)(e) be amended to include experts in artificial intelligence ethics, human rights and gender equality in digital systems, and that the membership be expanded to include the Attorney-General, the Central Bank of Kenya, and representatives of the Ministries of Labour, Environment, Gender, Agriculture and Health or Education, on the basis that the current composition lacks the gendered and multi-sectoral expertise needed to address bias in sectors classified as high-risk under the Bill.
323. COTU (K) submitted that the Advisory Committee mandatorily include at least one representative nominated by COTU (K), on the basis that the Committee is tasked with advising on workforce reskilling and labour impacts yet excludes workers' representative organisations, undermining the principle of tripartism.
324. The Kenya Actors Guild submitted, in similar terms, that the Advisory Committee include at least one representative nominated by registered trade unions through a consultative process, together with a representative of the Ministry responsible for labour.
325. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil society organisations submitted that the Advisory Committee include a mandatory seat for a representative of a disability advocacy group, on the basis of the principle of "nothing for us without us".
326. Thomas Louis Advocates submitted that the Advisory Committee be chaired by an independently appointed person drawn from academia or civil society, with the Commissioner serving only as an ex officio member, that private sector representation be expanded to three seats drawn respectively from the financial technology, health technology and general technology sectors, and that the Principal Secretary for Labour, a Ministry of Health nominee, a Ministry of Education nominee and an Energy and Petroleum Regulatory Authority nominee be added, on the basis that the Committee's composition presently lacks the sectoral breadth and independence required of an advisory body overseeing high-risk applications across the economy.
327. The Cereal Growers Association (CGA) submitted that the Advisory Committee include a representative of farmer organisations and a representative of the agri-tech private sector, on the basis that effective AI governance in agriculture requires input from those directly affected, namely farmers, and that the current

composition does not explicitly include farmer representation.

328. The Institute of Certified Secretaries (ICS) submitted that the Advisory Committee be chaired by an independent chairperson separate from the Commissioner, on the basis that the Committee is currently chaired by the Commissioner, which may undermine independent advisory oversight, and that an independent chairperson would strengthen checks and balances and avoid the concentration of power.
329. Dimension Data Solutions East Africa Limited and Dimension Data Solutions Limited (NTT DATA) submitted that Part III, establishing the Advisory Committee, be deleted in its entirety, on the basis that the Office of the Artificial Intelligence Commissioner, if well equipped, can discharge its mandate without the Committee, and that establishing the Committee would create a duplication of functions not only with the Office but also with other sector regulators.
330. Dr. Andrew Gitau Kimani submitted that the clause be amended to make the Commissioner secretary, not chair, of the Advisory Committee, in order to strengthen independence.
331. Dr. Andrew Gitau Kimani submitted that the clause be amended to include a representative from the Ministry responsible for Interior, in order to support national security coordination.
332. Dr. Andrew Gitau Kimani submitted that the clause be amended to maintain gender and regional balance in the Advisory Committee, in order to promote inclusive governance.
333. Mr. Richard Ruoro submitted that the clause be amended to prescribe a nine-member Advisory Committee with named sector representatives, in order to strengthen multi-stakeholder governance.
334. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to recognise OAK as the nominating body for the private-sector technology seat, in order to ensure sector representation.
335. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require an independent professional chair for the Advisory Committee, in order to reduce conflict of interest.
336. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require Advisory Committee nominations from professional bodies, in order to improve representation.
337. BBC Media Action submitted that the clause be amended to include two civil society representatives and transparent accountability mechanisms, in order to improve public participation.

338. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to include finance, health, education, agriculture and employment sectors in the Advisory Committee, in order to improve sector representation.
339. The Center for AI and Digital Policy (CAIDP) submitted that the clause be amended to use pluralistic multi-actor appointments and reduce executive discretion, in order to strengthen independence.
340. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to expand Advisory Committee membership and subcommittees to include affected sectors and vulnerable groups, in order to improve representation.
341. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require transparent nomination by professional bodies and public notice, in order to reduce arbitrary selection.
342. Dr. Moses M. Thiga submitted that the clause be amended to include higher education and recognised local AI research lab representatives, in order to improve expertise.
343. Dr. Moses M. Thiga submitted that the clause be amended to use merit-based expert selection until the statutory ICT body is established, in order to ensure competent representation.
344. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to remove restrictive technology wording and include a public-sector representative, in order to broaden representation.
345. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to require an independent chair and include CBK, IRA and CMA, in order to improve governance.
346. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to include pedagogists, cognitive scientists and child-safety experts in the Advisory Committee, in order to improve education governance.
347. The Kenya Bankers Association (KBA) submitted that the clause be amended to include financial services, prudential regulation and private sector representatives in the Advisory Committee, in order to improve representation.
348. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to set private-sector representatives at between two and seven appointed from registered professional associations, in order to improve

stakeholder representation.

349. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan African Health Informatics Association (HELINA) submitted that the clause be amended to include clinical practitioners, public health professionals and local digital health innovators in AI governance, in order to improve health competence.
350. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to add COTU-K, Ministry of Labour and gig worker representatives to the Advisory Committee, in order to ensure worker voice.
351. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Add a representative from academia or a research institution with AI or data-science expertise. The stakeholder gave the following justification: The Committee needs technical foresight and evidence-based research capacity.
352. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Reserve a designated Advisory Committee seat for a person with a disability nominated through the National Council for Persons with Disabilities and disability organisations; (b) Add a representative of organised labour to the Advisory Committee. The stakeholder gave the following corresponding justifications: (a) A specific seat makes the Bill's general inclusion duty effective; (b) Workforce-impact obligations require worker representation, including the interests of employees with disabilities.
353. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Establish a Stakeholder Advisory Council comprising representatives of the private sector, civil society, academia, and county governments, with a formal consultative role in rulemaking. The stakeholder gave the following justification: External participation would provide a check on concentrated rulemaking power and ensure that regulatory standards reflect technical, commercial, rights-based, and devolved-government perspectives.
354. Mr. Keith Kimani Njunge submitted the following proposal: Provide for an independent chairperson of the Advisory Committee drawn from civil society or the private sector rather than the AI Commissioner. The stakeholder gave the following justification: An independent chair avoids a conflict of interest and strengthens oversight of the Commissioner.
355. FinServe Africa Limited submitted the following proposal: Include representatives with financial-services experience, technical AI expertise, and data-governance expertise. The stakeholder gave the following justification: Ethics and human-rights expertise should be complemented by technical and

sectoral knowledge of operational AI systems.

356. Bunge Mashinani School of Governance submitted the following proposal: Observe the statutory disability-employment quota in appointments and staffing. The stakeholder gave the following justification: Inclusive hiring aligns institutional practice with constitutional and disability law.
357. Kenya Healthcare Federation (KHF) submitted the following proposal: Include public and county health implementers, health AI startups, researchers, clinicians, patients, and professional councils in AI governance. The stakeholder gave the following justification: Frontline users and innovators provide clinical and implementation expertise.

Clause 18 – Functions of the Advisory Committee

358. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require the Advisory Committee to publish annual opinions, dissenting views and recommendations to Parliament, in order to improve accountability.
359. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Extend the Committee's research function to AI governance and regulation and expressly require promotion of ethical human-centric AI. The stakeholder gave the following justification: The distinction improves regulatory advice and guards against fully autonomous biased decisions.
360. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Require the Commissioner to give written reasons for departing from a formal Advisory Committee recommendation and include those reasons in the annual report. The stakeholder gave the following justification: A response duty prevents expert and disability recommendations from being ignored without explanation.
361. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Create sector technical panels for each high-risk sector with regulators, industry, consumer bodies, and affected communities. The stakeholder gave the following justification: One general committee cannot provide detailed governance across finance, health, agriculture, security, and employment.

Clause 19 – Meetings and Procedure of the Advisory Committee

362. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require published agendas, minutes, conflict disclosures and accessible consultations, in order to

enhance transparency.

363. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Allow physical, virtual, and hybrid Advisory Committee meetings and count virtual attendance toward quorum. The stakeholder gave the following justification: Flexible attendance improves accessibility and county participation.

Clause 21 – Funds of the Office

364. Ms. Lyla Latif recommended that a minimum funding guarantee be introduced, such as an allocation tied to a percentage of ICT sector revenue, on the basis that the current funding model is inadequate for the Office's extensive technical, regulatory and supervisory mandate.
365. NTT DATA submitted that Section 21(c) be deleted, on the basis that the subsection contemplates that the Office will accrue funds in the performance of its functions, implying that the Office will collect fees from industry players who already pay fees in the form of licences, accreditation and levies to other regulators such as the Communications Authority, the Office of the Data Protection Commissioner, the ICT Authority and the Kenya Bureau of Standards, which would increase both the cost of doing business and the cost of services to consumers.
366. Dr. Andrew Gitau Kimani submitted that the clause be amended to introduce a regulatory fee on AI derivatives generating commercial gain, in order to fund AI oversight and literacy.
367. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to prohibit grants or donations from regulated entities and publish donor conditions, in order to protect independence.
368. Dr. Moses M. Thiga submitted that the clause be amended to create an AI Regulatory Fund from administrative fees and fines, in order to support institutional sustainability.
369. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to guarantee funding of at least 0.5 percent of annual national ICT sector revenue, in order to support institutional capacity.
370. The Kenya Bankers Association (KBA) submitted that the clause be amended to provide grants or tax relief for AI innovation, in order to support responsible adoption.
371. BBC Media Action submitted that the clause be amended to clarify shared liability

across the AI lifecycle and cross-border systems, in order to close accountability gaps.

372. BBC Media Action submitted that the clause be amended to protect local deployers using external models from unavailable upstream obligations, in order to align liability with control.
373. BBC Media Action submitted that the clause be amended to insert data sovereignty, fair data use and training-data transparency safeguards, in order to protect local data ecosystems.
374. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to redraft the high-risk regime around actor control and designated high-impact systems, in order to align obligations with control.
375. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require fiscal impact, staffing and county capacity assessments with annual value-for-money reporting, in order to support implementation.
376. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to replace Data Commissioner with Artificial Intelligence Commissioner, in order to correct drafting.
377. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to define financial year, in order to improve drafting clarity.
378. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Prohibit funding that creates conflicts and disclose all grants, donations, and endowments in the annual report. The stakeholder gave the following justification: Regulated entities should not compromise institutional independence through funding.
379. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Prohibit donations that create a real or perceived conflict and publish a register of donations above KES 100,000. The stakeholder gave the following justification: Transparency prevents influence by entities regulated by the Office.
380. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Establish an AI Compensation Fund, financed by a levy on providers of high-risk AI systems, to provide interim compensation where a person suffers AI-related harm and the responsible party is insolvent, unidentifiable, or outside Kenyan jurisdiction. The stakeholder gave the following justification: A dedicated fund would preserve access to an effective remedy where ordinary recovery from the

responsible provider or deployer is unavailable.

381. FinServe Africa Limited submitted the following proposal: Prohibit the Office from accepting grants, gifts, donations, or endowments from entities it oversees or from persons beneficially owned or controlled by regulated entities. The stakeholder gave the following justification: Funding safeguards are necessary to prevent conflicts of interest and preserve regulatory independence and impartiality.
382. Bunge Mashinani School of Governance submitted the following proposal: Require public declaration of grants, restricted funding, gifts, and partnerships. The stakeholder gave the following justification: Funding transparency helps prevent donor influence.

Part IV – Governance of Artificial Intelligence

383. FMC Advocates submitted that provisions be introduced addressing cross-border AI systems, third-party AI services and external model providers, in order to ensure enforceability and reflect distributed development models.

Clause 23 – Accounts and Audit

384. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to audit the Office's AI tools, procurement contracts and independent audits, in order to strengthen accountability.

Clause 24

385. UNICEF proposed that the clause be amended to provide for the dissemination of key findings from the annual report to relevant partners and organisations.
386. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to expand annual reports to cover complaints, enforcement, appeals, incidents, public-sector AI, counties, inclusion, environment and sandboxes, in order to improve parliamentary oversight.
387. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Develop a National AI Governance Index and publish annual benchmarking reports covering compliance rates, incident trends, system performance, and the public AI registers. The stakeholder gave the following justification: Annual maturity benchmarking would create an evidence-based feedback loop and allow the public and policymakers to track regulatory

effectiveness.

388. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Report complaints and harms, enforcement actions, the high-risk register, and national and county AI literacy in the annual report. The stakeholder gave the following justification: Additional metrics allow Parliament and the public to evaluate implementation.
389. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Extend the period for the Cabinet Secretary to table the annual report from fourteen to twenty-one days; (b) Require annual reporting on disability-related complaints, procedural accommodations, accessibility standards, disability impact assessments, and systemic reforms. The stakeholder gave the following corresponding justifications: (a) The longer period is more realistic for parliamentary processing; (b) Disaggregated reporting enables public monitoring and evidence-based disability reform.
390. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Require annual parliamentary reporting on registrations, classifications, enforcement, penalties, and platform restrictions, with committee scrutiny of the principal officer. The stakeholder gave the following justification: Direct legislative oversight is necessary for an authority exercising broad technical powers.
391. Mr. Ian Limo Chirchir submitted the following proposal: Require immediate public disclosure of serious failures in high-risk public systems rather than waiting for the annual report. The stakeholder gave the following justification: Real-time transparency is necessary for health, election, and other critical failures.

Clause 25 – Classification of Artificial Intelligence Systems

392. Mr. Wilson Rading recommended that the clause include a proportionality principle scaling compliance obligations to the size, resources and deployment context of the provider, for example, providing that a startup pilot affecting fewer than 1,000 users should face lighter obligations than a large-scale commercial deployment, on the basis that the current approach is not innovation-friendly to startups facing the same obligations as large corporations.
393. Ms. Lyla Latif submitted that regulatory obligations be extended to cover foreign AI providers whose systems produce effects in Kenya, including registration and compliance requirements, on the basis that AI systems used in Kenya are often developed abroad, leaving a major accountability gap where the Bill regulates only local deployers.
394. The Architects Alliance proposed that built-environment AI systems be explicitly

classified as high-risk, in line with international best practice, noting the failure to expressly include AI systems used in infrastructure, buildings and urban systems as high-risk.

395. Uber recommended that the clause set out core statutory criteria for risk classification, on the basis that the current approach creates uncertainty and burdensome compliance requirements for businesses.
396. FMC Advocates submitted, in respect of Clause 25(2)(a), that prohibited AI practices be explicitly listed, such as social scoring, manipulative nudging, biometric categorisation by race or ethnicity, and predictive policing without safeguards, in order to protect fundamental rights and prevent misuse of AI.
397. FMC Advocates additionally submitted that the clause include statutory classification criteria, illustrative thresholds, defined trigger points for risk categorisation, and a requirement for periodic stakeholder consultation before reclassification, in order to improve predictability, reduce ambiguity, prevent arbitrary classification and align with international frameworks such as the EU AI Act.
398. Mr. Alister Govedi proposed that clear, objective and technically verifiable standards be established for classification and approval thresholds, on the basis that the absence of technically grounded standards makes decisions difficult to challenge and inconsistent with constitutional requirements for reasonable administrative action.
399. Communications Authority of Kenya (CA) recommended that the Commissioner be required to consult other relevant regulatory bodies, to allow bodies such as the Authority to provide support within their respective mandates.
400. The Office of the Data Protection Commissioner (ODPC) submitted that guiding principles and minimum statutory criteria be inserted for classifying AI systems into unacceptable, high, limited and minimal risk categories, with illustrative examples, on the basis that clear legislative thresholds enhance legal certainty, support compliance, reduce arbitrary enforcement and uphold the principle of legality in criminal sanctions.
401. Google submitted that the definition of high-risk artificial intelligence system be shifted from a sector-based to a use-case and purpose-based framework, so that multi-purpose systems used incidentally within high-risk sectors are not classified as high-risk unless expressly designed and deployed for a specific high-risk operational purpose, on the basis that a sector-based approach captures harmless tools, such as hospital spreadsheet software, simply because of where they are used.

402. FECoMo submitted that the Commissioner be required to use the AI Exchange's automated monitoring and sentiment-analysis capabilities to conduct periodic and event-driven reassessment of deployed AI systems, with any significant change in risk status triggering an updated registry entry within fourteen days, and that the unacceptable-risk category under Clause 25(3) be expressly enumerated to include practices such as unfair biometric categorisation and non-consensual scraping of facial images, on the basis that a static classification system will become outdated and the current provision does not specify what "unacceptable risk" actually prohibits.
403. COTU (K) submitted that the risk-classification criteria be defined within the Act itself and that systems used for hiring, task allocation, performance monitoring, wage setting and disciplinary action be automatically classified as high-risk regardless of formal employment status, on the basis that the absence of statutory definitions creates room for deployers to misclassify harmful workplace-management systems to avoid compliance obligations.
404. The Kenya Actors Guild submitted, in similar terms, that unacceptable, high, limited and minimal risk categories be defined within the Act with explicit reference to labour-rights and workplace-surveillance impacts, and that the scope of Clause 25(2)(b) be extended from "employment" to all work relationships.
405. Thomas Louis Advocates submitted that the unacceptable-risk category be given operative content by enumerating prohibited systems, including real-time biometric surveillance without judicial warrant, social-scoring systems, systems exploiting vulnerabilities of age, disability or socioeconomic status, and systems used for non-consensual generation of intimate imagery, on the basis that a criminal prohibition without definitional content is constitutionally vulnerable under Article 47 of the Constitution.
406. Walukhu and Company Advocates submitted, in similar terms, that a Schedule be inserted setting out sector-specific, objective and testable risk criteria for healthcare AI, law-enforcement AI, financial-services AI, education AI and employment AI, with classification decisions subject to a thirty-day public comment period, a right of representation by the affected developer, and judicial review as of right, on the basis that the Commissioner's current discretionary classification power is insufficiently checked and creates investment uncertainty.
407. Walukhu and Company Advocates further submitted that dedicated biometric AI provisions be inserted, informed by the Court of Appeal's reasoning in the Huduma Namba litigation, requiring accuracy thresholds, demographic bias audits and a prohibition on purpose creep, on the basis that facial recognition is currently

deployed at Jomo Kenyatta International Airport and other border crossings without accuracy standards or demographic bias audits, operating in a regulatory grey area.

408. The Cereal Growers Association (CGA) submitted that, while agriculture is correctly categorised as a high-risk sector, the Bill should explicitly recognise agriculture as a strategic national priority sector critical to food security and economic stability, with provision for sector-specific regulations and guidelines for agricultural AI systems, on the basis that agriculture is the backbone of Kenya's economy and requires tailored regulatory approaches that support innovation without exposing farmers to undue risk.
409. Microsoft Kenya submitted that Clause 25(2) be amended to adopt an outcome-based risk classification focused on the material influence of an AI system on decisions affecting individuals or communities, the severity of potential harm and the degree of human oversight available, with the existing sector list serving as a rebuttable presumption rather than an automatic classification, on the basis that a purely sector-based approach creates overbreadth, automatically classifying multi-sector AI services as high-risk regardless of their actual risk profile, and that a use-case-based classification aligns with international best practice such as the European Union's AI Act.
410. Microsoft Kenya further submitted that a new subclause 25(5) be inserted requiring the Cabinet Secretary to publish, within twelve months of enactment, a risk classification framework developed in consultation with relevant stakeholders, on the basis that the absence of such a framework creates regulatory uncertainty by failing to distinguish low-risk from high-risk systems, complicating compliance and hindering innovation.
411. NTT DATA submitted that Section 25 be amended to establish statutory criteria and illustrative examples for unacceptable-risk, high-risk, limited-risk and minimal-risk artificial intelligence systems, on the basis that the descriptions provided under Section 25(2) are broad and open to wide interpretation, and that anchoring risk categorisation in the Act would improve predictability and compliance planning for stakeholders.
412. Nexus Tech Policy Advisors Ltd submitted, in respect of Clause 25(1) and (2), that detailed classification criteria be incorporated, either within the Bill or in an annex or schedule, including sector-specific examples and measurable thresholds, on the basis that the Bill does not provide sufficient criteria for determining how systems fall within each risk category, and that the absence of detailed thresholds or sector-specific guidance may lead to inconsistent classification and compliance

uncertainty.

413. Nexus Tech Policy Advisors Ltd further submitted, in respect of Clause 25(3), that the term “unacceptable risk” be defined within the primary legislation, including illustrative categories such as manipulative AI and social scoring, on the basis that the Bill does not define “unacceptable risk”, creating significant ambiguity that may result in inconsistent enforcement and increased reliance on administrative interpretation.
414. Amnesty International Kenya and the Watoto Watch Network submitted that the clause be amended to presume AI systems involving children to be high-risk, in order to protect children from heightened harm.
415. Dr. Andrew Gitau Kimani submitted that the clause be amended to classify electoral synthetic media as high-risk, in order to protect electoral integrity.
416. Dr. Andrew Gitau Kimani submitted that the clause be amended to regulate harmful or targeted AI-generated pornography, in order to protect dignity and privacy.
417. Mr. Patrick Mainah submitted that the clause be amended to designate core banking AI for loans, credit classification and CRB listings as high-risk, in order to protect financial consumers.
418. Mr. Richard Ruoro submitted that the clause be amended to add a subject-matter and context high-risk matrix for electoral, judicial and public safety synthetic media, in order to improve risk classification.
419. Mr. Richard Ruoro submitted that the clause be amended to empower the Commissioner to gazette qualifying synthetic media categories before elections, in order to protect electoral integrity.
420. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to exempt B2B offshore operations subject to recognised international frameworks from duplicative obligations, in order to avoid dual compliance.
421. Mr. Peter Lemashon Ntutu submitted that the clause be amended to create a startup exemption below KSh 50 million turnover or fewer than twenty employees, in order to support early-stage innovation.
422. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to develop and publish a Kenya AI Risk Register before Clause 26 obligations take effect, in order to improve legal certainty.
423. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to publish classification criteria, examples and self-assessment tools within twelve months, in order to support compliance.

424. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to schedule unacceptable-risk AI practices, in order to protect fundamental rights.
425. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to define risk-tier criteria and examples in primary law, in order to improve predictability.
426. The Center for AI and Digital Policy (CAIDP) submitted that the clause be amended to enumerate prohibited uses directly in the Bill, in order to protect fundamental rights.
427. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require schedules of initial categories and parliamentary approval for prohibited additions, in order to protect legality.
428. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define unacceptable risk by reference to rights, safety, democracy, dignity, equality, privacy and rule of law, in order to improve legal certainty.
429. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to provide reasons, appeal rights, transition periods and judicial review for classification decisions, in order to protect fair administrative action.
430. Dr. Moses M. Thiga submitted that the clause be amended to schedule initial high-risk systems and require affirmative parliamentary resolution, in order to improve oversight.
431. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to adopt clear sector-specific high-risk criteria through public consultation, in order to improve certainty.
432. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to subject bans to Commissioner, parliamentary and judicial oversight with sunset periods and reasons, in order to protect due process.
433. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to define unacceptable risk with indicative categories, in order to improve predictability.
434. The KenSafeSpace Coalition submitted that the clause be amended to classify biometric surveillance, predictive policing, profiling, content moderation, misinformation detection and civic monitoring as high-risk, in order to protect rights and civic space.

435. Human Squared Health and Clover Care submitted that the clause be amended to classify healthcare AI by function rather than sector, in order to ensure proportional regulation.
436. Human Squared Health and Clover Care submitted that the clause be amended to publish objective risk-classification criteria before or concurrently with commencement, in order to improve certainty.
437. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to schedule biometric mass surveillance, social credit scoring, subliminal manipulation and autonomous lethal force as unacceptable risk, in order to protect fundamental rights.
438. The ILINA Program (Mr. Cecil Abungu) submitted that the clause be amended to retain the risk-based approach, in order to support proportionate regulation.
439. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to adopt a tiered education risk model and declassify general education AI, in order to ensure proportionality.
440. The Kenya Bankers Association (KBA) submitted that the clause be amended to introduce low, medium and high risk categories, in order to improve proportionality.
441. The Kenya Bankers Association (KBA) submitted that the clause be amended to replace blanket finance high-risk classification with a functional material-effect test, in order to avoid over-regulation.
442. Mr. Robin Munene Nyaga (Ecardex Systems Limited) submitted that the clause be amended to insert a startup exemption tier below KSh 100 million revenue and fewer than fifty employees, in order to protect early-stage innovation.
443. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to classify healthcare AI applications as high-risk by default, in order to protect patients.
444. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan African Health Informatics Association (HELINA) submitted that the clause be amended to adopt tiered health-sector AI classification, in order to ensure proportionate oversight.
445. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to replace employment with work relationships, including platform, gig and algorithmically managed work, in order to close coverage gaps.
446. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to give the Commissioner a ninety-day moratorium power with appeal

rights, in order to stop ongoing harm.

447. AmCham and KICTANet submitted that a purpose and use-case framework for high-risk classification be adopted instead of a sector-based classification, in order to ensure proportionality.
448. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Set out a clear, non-exhaustive list of prohibited systems, including social scoring, manipulative behavioural AI, autonomous lethal weapons, and unlawful biometric mass surveillance, together with a periodic mechanism for updating the list; (b) Introduce tiered and simplified compliance obligations for SMEs and informal users, including guidance adapted to mobile and informal-sector uses. The stakeholder gave the following corresponding justifications: (a) Express and adaptable prohibitions are required to address highly capable systems that can cause autonomous or systemic harm; (b) Proportionate requirements would reflect local economic realities and avoid imposing mature-enterprise compliance burdens on informal and small-scale actors.
449. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Define dual-use AI systems and apply enhanced controls to sensitive applications, export risks, misuse monitoring, and use-case tracking. The stakeholder gave the following justification: Dual-use systems require specific treatment because legitimate capabilities may also be repurposed for serious harm.
450. Citibank, N.A., Kenya submitted the following proposal: Use a technology-neutral, outcomes-based approach and classify high-risk systems by narrow, demonstrable use-case criteria rather than entire sectors. The stakeholder gave the following justification: A broad technology-centred framework may become obsolete quickly and impose obligations unrelated to material harm.
451. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Insert statutory schedules listing unacceptable-risk and high-risk systems, including AI used for disability assessment, benefits eligibility, assistive technologies, social scoring, biometric identification, employment, credit, health, education, public administration, and critical infrastructure; (b) Add environmental sustainability, including data-centre energy, carbon, and water impacts, to risk classification. The stakeholder gave the following corresponding justifications: (a) Schedules make core classifications operative on commencement and ensure disability-specific risks are not omitted; (b) AI infrastructure may create significant environmental impacts that should be assessed explicitly.
452. Sheria Watch submitted the following proposal: Use precise classification criteria

based on sector, scale, autonomy, and demonstrable harm, and make classification decisions transparent and reviewable. The stakeholder gave the following justification: Predictable and appealable criteria reduce classification inflation and investment uncertainty.

453. Mr. Patrick Miringu submitted the following proposal: Require environmental impact assessment for large AI deployments and data centres and encourage renewable energy and sustainable computing. The stakeholder gave the following justification: Energy use and carbon impact will grow with AI infrastructure.
454. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Require the Cabinet Secretary, within ninety days of commencement, to publish a Classification Register identifying the product and use-case categories that constitute AI systems for regulatory purposes and to review the register annually; (b) Place a substantive schedule in the Bill enumerating high-risk uses, including AI used in criminal justice, credit scoring and financial inclusion, healthcare diagnosis and treatment, employment and recruitment, public-benefits administration, elections and voter registration, and immigration or asylum decisions. The stakeholder gave the following corresponding justifications: (a) A published and regularly reviewed register would provide practical certainty as technologies and product categories evolve; (b) The risk tiers determine obligations and penalties and should therefore contain substantive content in primary legislation rather than being left entirely to future regulations.
455. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Define unacceptable-risk practices directly in the Bill to include public-authority social scoring; real-time biometric identification in public spaces except under narrowly defined lawful authorisation; exploitation of children, older persons, and persons with disabilities; and non-consensual electoral deepfakes; (b) Permit the Cabinet Secretary only to add categories to the statutory high-risk list, not remove them, and require public participation and parliamentary scrutiny through a negative-resolution procedure before any addition takes effect. The stakeholder gave the following corresponding justifications: (a) A criminal prohibition must be sufficiently precise to allow regulated persons to know what conduct is prohibited and to prevent the content of an offence from being determined only by future subsidiary legislation; (b) The core content of the risk regime is a legislative function. Limiting delegated power and subjecting additions to scrutiny would constrain executive discretion.

456. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Provide that a newly prescribed high-risk classification may not take effect earlier than twenty-four months after gazettment; (b) Prohibit real-time biometric identification in publicly accessible spaces by public and private entities, except for a specific national-security operation authorised by a court warrant, processing at designated border-control facilities, or investigation of a specified serious offence with prior judicial authorisation. The stakeholder gave the following corresponding justifications: (a) A defined lead time would give affected providers and deployers a realistic period to redesign systems and establish the required compliance controls; (b) Real-time biometric surveillance processes sensitive personal data at scale and engages privacy and equality rights. Narrow statutory exceptions and prior authorisation are proposed to prevent indiscriminate surveillance.
457. FinServe Africa Limited submitted the following related proposals: (a) Integrate AI-system risk classification with data-sensitivity classification through a joint AI-and-data risk matrix; (b) Apply a material-impact test instead of automatically treating every AI use in a listed sector as high-risk, and distinguish system risk from data-sensitivity risk. The stakeholder gave the following corresponding justifications: (a) Financial institutions require a consistent method for mapping system risk to data risk and avoiding mismatched governance obligations; (b) Automatic sectoral classification may over-regulate low-impact internal analytics and other routine systems.
458. Ms. Hannah Maina submitted the following proposal: Specify a clear tiered risk framework with stricter controls for genuinely high-risk systems. The stakeholder gave the following justification: Different AI systems pose different levels of harm and should not be regulated uniformly.
459. Bloggers Association of Kenya (BAKE) submitted the following proposal: Classify high risk by severity of impact rather than sector alone and require equality impact assessments. The stakeholder gave the following justification: Overregulation of education and finance may halt public-interest AI while failing to focus on actual harm.
460. Bunge Mashinani School of Governance submitted the following proposal: Define high-risk criteria clearly, require public participation before classification, and fast-track low-risk and experimental systems. The stakeholder gave the following justification: Objective and participatory classification prevents arbitrary burdens and supports innovation.
461. Kenya Healthcare Federation (KHF) submitted the following proposal: Separate

administrative and operational health AI, clinical support AI, and autonomous clinical AI into distinct risk subcategories. The stakeholder gave the following justification: Scheduling tools and autonomous diagnostic systems do not present equivalent patient risks.

462. Mr. Gerald Kiti submitted the following related proposals: (a) Define consequential decisions by legal or significant economic, social, or personal effect, including employment, credit, health, education, housing, and public services; (b) Create a distinct frontier-AI tier based on computational scale, general-purpose capability, breadth of use, and limited human oversight. The stakeholder gave the following corresponding justifications: (a) Risk should attach to real-world impact, not sector labels alone; (b) Advanced general-purpose systems may create systemic risks different from ordinary high-risk applications.
463. Mr. Gerald Kiti submitted the following related proposals: (a) Recognise catastrophic AI risk, including widespread threats to life, public safety, national security, critical infrastructure, and the economy; (b) Classify high-risk interactions where sensitive data is processed, regulated professional advice is given, or AI influences major life decisions, regardless of the system's general category. The stakeholder gave the following corresponding justifications: (a) Low-probability but high-impact risks require express statutory treatment; (b) Context may turn a nominally low-risk system into a high-risk interaction.
464. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Apply sector-based and use-case-specific regulation to high-risk AI within existing financial, health, and critical-infrastructure frameworks; (b) Designate mobile-credit models, consequential biometric systems, agentic AI in high-stakes domains, electoral AI, land-administration AI, clinical AI, employment AI, and critical-infrastructure AI as high risk or prohibited according to specific use. The stakeholder gave the following corresponding justifications: (a) Sector regulators possess the technical context needed to supervise distinct high-risk uses without blanket regulation; (b) Context-specific categories focus protection on systems capable of serious rights, safety, or livelihood harm.
465. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Base discretionary high-risk designations on published statutory criteria, a regulatory impact assessment, sixty days of public consultation, written reasons, and High Court appeal; (b) Treat clinical diagnosis, treatment recommendation, health-insurance claims, and public-health surveillance as high risk and require demographic performance testing on Kenyan populations. The stakeholder gave the following corresponding justifications: (a) Procedural constraints protect fair

administrative action and investment certainty; (b) Health AI may perform differently across demographic groups and requires clinical safeguards.

466. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Classify AI used in criminal-justice risk assessment, bail, sentencing, parole, and related adjudicative decisions as prohibited or high risk, require stringent oversight, and mandate disclosure of its use to every party in the proceeding; (b) Classify recommendation and ranking systems operated by dominant platforms as high risk and subject them to transparency and non-discrimination obligations. The stakeholder gave the following corresponding justifications: (a) Undisclosed or biased justice-system AI can compromise fair-hearing rights and amplify existing demographic and socioeconomic disparities; (b) AI-driven self-preferencing and control of data may entrench market dominance and disadvantage local competitors and consumers.
467. Mr. Russel Crowe submitted the following proposal: List minimum high-risk categories in a schedule and require classification regulations within ninety days of commencement. The stakeholder gave the following justification: The core protective framework should operate immediately rather than depend on undated future regulations.
468. Mr. Ian Limo Chirchir submitted the following proposal: List critical and high-risk systems, including election, judicial, healthcare, and national-security AI, in a statutory schedule. The stakeholder gave the following justification: A schedule prevents politically convenient under-classification of consequential systems.
469. SunCulture Kenya Limited submitted the following proposal: Classify risk by specific use, scale, severity and reversibility of harm, and whether outputs are advisory or determinative, rather than by sector alone. The stakeholder gave the following justification: Small social enterprises and low-risk agricultural advisory tools should not face the same obligations as large consequential systems.
470. Mr. Erick Mwangi (TerraSept Solutions Ltd) submitted the following proposal: Narrow high-risk agricultural classification so advisory tools for smallholder farmers do not automatically attract obligations intended for autonomous consequential systems. The stakeholder gave the following justification: Blanket classification may burden locally relevant food-security and climate-adaptation tools.

Clause 26 – Obligations for High-Risk Artificial Intelligence Systems

471. Ms. Lyla Latif proposed that regulatory obligations be extended to cover foreign AI providers whose systems produce effects in Kenya, including registration and

compliance requirements, on the basis that this would close a major accountability gap.

472. Mr. Alister Govedi recommended that proportional compliance requirements be ensured so as not to disadvantage local developers or startups, on the basis that cost-intensive licensing and operational requirements disproportionately favour large foreign corporations with greater financial capacity.
473. Mr. Wilson Rading submitted that a simplified assessment pathway be introduced for small-scale or experimental deployments, with a full risk assessment required only upon scaling beyond defined thresholds, on the basis that mandatory pre-deployment assessments block iterative development.
474. Ms. Lyla Latif further recommended that obligations be expanded to include minimum data quality standards, requiring training datasets to be accurate, representative and free from bias, on the basis that bias in AI systems originates from flawed training data, which is currently unregulated under the Bill.
475. The Architects Alliance proposed that a new subsection be inserted requiring licensed professional oversight for AI use in regulated services, on the basis of the absence of any linkage between AI systems and professional responsibility frameworks, which creates liability gaps.
476. Mr. Wilson Rading submitted, in respect of Clause 26(g), that satire, parody, art, journalism and fictional content be carved out from the synthetic media rules, subject to a labelling requirement, on the basis that the rules as drafted chill legitimate creative AI applications.
477. Institution of Engineers of Kenya (IEK) recommended that a new clause be inserted establishing the “Relationship with the Office of the Data Protection Commissioner”, providing for concurrent jurisdiction with joint investigations, making the ODPC the lead agency on algorithmic bias, privacy and transparency matters, and prohibiting double penalties for the same conduct, on the basis that Clause 26(1)(e) creates a jurisdictional conflict with the ODPC and relegates it to a subordinate advisory role.
478. FMC Advocates submitted that conformity assessments be required before deployment of high-risk AI systems, to ensure that such systems meet safety, health and environmental protection requirements.
479. FMC Advocates also proposed that high-quality and representative datasets be required for the training and updating of high-risk AI systems, to prevent bias and discrimination.
480. Mr. Robinson Macharia submitted, in respect of Clause 26(1)(b), that the

- mandatory requirement for human rights impact assessments be removed, on the basis that local developers adapting open-source models trained abroad cannot access the information required to satisfy such assessments.
481. Mr. Robinson Macharia further submitted, in respect of Clause 26(1)(d), that the requirement to maintain records of training data be removed, on the basis that such information belongs to the original model creators rather than local adaptors, and that penalising local developers for failing to produce records they cannot access is an unworkable drafting problem.
482. FMC Advocates further proposed that Fundamental Rights Impact Assessments be mandated for high-risk AI systems, with standardised templates and publication of non-confidential summaries, to ensure consistency, transparency and public trust.
483. UNICEF recommended that a Child Rights Impact Assessment be mandated for high-risk systems, with a focus on algorithmic fairness, for the protection of children and to ensure that AI used in social welfare does not inadvertently exclude vulnerable children through data bias.
484. Uber submitted that the clause be harmonised with the Data Protection Act by cross-referencing rather than duplicating its provisions, to avoid duplication.
485. Safaricom Plc recommended that the clause be amended to set out that providers and deployers of high-risk AI systems shall implement proportionate risk management, provide meaningful information regarding AI assisted decisions where such decisions materially affect right or legitimate interests, maintain proportionate technical documentation.
486. Safaricom Plc further recommended to amend to the clause to provide that where a high-risk artificial intelligence system generates or manipulates synthetic media capable of misleading a person as the authenticity, identity, or origin of the content, the deployer shall implement reasonable measures to ensure such content is appropriately disclosed and obtain consent where the system replicates identifiable biometric likeness of a natural person.
487. Google submitted that the synthetic-media obligations under Clause 26(1)(g) be limited to content depicting a real, identifiable individual and exempt clearly fictional, fully synthetic or anonymised content, and that the five-year retention and explainability requirements under Clause 26(1)(d) be replaced with risk-aligned retention consistent with the Data Protection Act and a disclosure of intended purpose, limitations and operational parameters in place of granular mathematical explainability, on the basis that modern neural networks are not capable of being “un-baked” to provide output-level explainability and that

uniform five-year retention of training logs creates a ransomware honeypot.

488. Google further submitted that a text-and-data-mining exception be inserted permitting computational analysis of lawfully accessed data for machine-learning training, subject to an industry-standard, machine-readable opt-out mechanism such as robots.txt, on the basis that the absence of such an exception starves local developers of the data needed to train models for Kenyan contexts.
489. FECoMo submitted that high-risk impact assessments be conducted using standardised templates and automated validation tools, including an explainable-AI interface documenting decision-making logic, bias-testing results and data provenance, and that Clause 26(1)(d) require providers to use training and testing datasets that are sufficiently representative of Kenya's geographic and contextual settings, on the basis that self-assessment alone cannot guard against the importation of foreign algorithmic biases.
490. FECoMo further submitted that Clause 26 mandate a gender-based impact assessment using intersectional data for systems such as credit scoring, and that the clause be expanded to address cybersecurity of model weights and require reporting of incidents that could lead to mass casualties or major infrastructure failure within fifteen days, on the basis that human-rights assessments often treat users as a monolith and the Bill is otherwise silent on catastrophic model-level risks.
491. COTU (K) submitted that risk assessments under Clause 26 expressly address impacts on workers' health, safety, income security, dignity and freedom of association, and that the five-year data-retention limit be removed for systems that remain in operation, on the basis that the current provision does not regulate algorithmic management practices such as hiring, task allocation, performance evaluation and disciplinary action.
492. The Kenya Actors Guild submitted, in similar terms, that workforce and labour-rights impact assessments for high-risk workplace AI systems be conducted by an independent expert with no financial interest in the system, and that AI systems which simulate, replicate or replace creative labour, including voice, image or likeness, be expressly classified as high-risk, with disclosure of creative datasets used for training and a requirement of renewed consent before reuse of a performer's voice, image or likeness.
493. Thomas Louis Advocates submitted that the records obligation under Clause 26(1)(d) be amended so that, where a high-risk system is based on a third-party pre-trained model, the deployer need only maintain documentation available from the provider and disclose any gaps to the Commissioner upon request, on the basis

that the majority of Kenyan deployers access foreign models via application programming interface and cannot produce records they do not control.

494. Walukhu and Company Advocates submitted, in similar terms, that the audit-trail obligations distinguish between foundation model providers, who must maintain full logs available to regulators, API-based developers, who should maintain only application-layer logs documenting prompts, outputs and user interactions, and end-user deployers, who should maintain usage records, with foreign API providers required to produce logs to the Commissioner through the local-representative mechanism, on the basis that the current obligations will render the majority of Kenyan developers, who predominantly build on foreign APIs, non-compliant by default since they have no access to the underlying model's logs.
495. Walukhu and Company Advocates further submitted that a new Part be inserted mandating AI security-by-design certification as a pre-deployment requirement for high-risk systems, mandatory incident reporting within seventy-two hours modelled on the Central Bank of Kenya's mobile-money disruption reporting framework, penetration-testing obligations for public-sector AI, and security standards developed by the National Computer and Cybercrimes Coordination Committee in coordination with the AI regulator, on the basis that the Bill contains no provision addressing model poisoning, prompt injection, data exfiltration or model-inversion attacks despite Kenya ranking 21st on the International Telecommunication Union Global Cybersecurity Index.
496. Walukhu and Company Advocates additionally submitted that a Conflict Resolution Clause be inserted designating the Office of the Data Protection Commissioner as the lead regulator for all data-processing AI determinations, with the AI Commissioner having consultative status, supported by a Memorandum of Understanding between the two regulators tabled before Parliament and reviewed annually, and a Single Window complaint-filing portal established within six months of enactment, on the basis that the overlap between the two offices creates a triple-jeopardy risk, as demonstrated by the *M-Collect v Mbwana Kalua* litigation and the conflict between the Digital Health Act and the Data Protection Act.
497. Walukhu and Company Advocates further submitted that the Bill expressly prohibit AI profiling of children for commercial purposes, mandate child rights impact assessments for any AI system used in education, and require parental notification and consent, on the basis that Competency-Based Curriculum digital learning platforms are currently processing children's data and influencing educational outcomes without child-specific safeguards.

498. Walukhu and Company Advocates submitted that an express prohibition on discriminatory algorithmic outputs be inserted, mandating demographic bias audits for high-risk AI systems, on the basis that AI systems producing disparate outcomes on the basis of race, gender, disability or socioeconomic status violate Article 27 of the Constitution, noting that algorithms underlying mobile financial services such as M-Shwari and Fuliza have subjected millions of Kenyans to Credit Reference Bureau blacklisting for amounts as small as KES 10 without meaningful human review, and recommended a mandatory human-in-the-loop review before any such listing together with plain-language denial reasons in both English and Kiswahili.
499. Ms. Gladwell Nduta submitted, in similar terms, that the compliance burden imposed by Clause 26 on financial AI agents is currently too high for early-stage innovators, particularly developers of agentic wallets and personalised commerce tools, and recommended the inclusion of an automated “fast-track” pathway for low-to-medium risk applications.
500. The Cereal Growers Association (CGA) submitted that the compliance requirements for high-risk AI systems under Clause 26, including risk assessments, audits and documentation, may be burdensome for agri-tech startups and small and medium enterprises, and recommended tiered compliance requirements based on scale and risk, with simplified compliance pathways for startups, farmer-facing solutions and pilot technologies, on the basis that most agricultural innovations in Kenya are developed by startups and small enterprises that may lack the resources to meet heavy regulatory requirements.
501. Microsoft Kenya submitted that Clause 26 be amended to adopt a proportionate, self-assessment framework supported by spot-checks, with transparency obligations under Clause 26(1)(c) clarified to apply to the decision-making process rather than proprietary training data or model architectures, and explainability reframed as transparency proportionate to risk and use-case, on the basis that the prescriptive approach as drafted creates compliance burdens without accounting for the constraints of regulators and industry alike, and requires broad explainability without regard to technical feasibility.
502. Microsoft Kenya further submitted that Clause 26(1)(d) be amended to require the maintenance of appropriate records, including logs and documentation necessary to ensure traceability, auditability and compliance, in accordance with applicable data protection and record-retention laws, rather than a fixed five-year retention period for training data, inputs, outputs and performance metrics, on the basis that uniform five-year retention increases storage costs, raises cybersecurity risk and

conflicts with the data protection principle of storage limitation.

503. Microsoft Kenya also submitted that the consent and labelling obligations under Clause 26(1)(g) be placed on the deployer rather than the provider, given that it is the deployer who decides whose image, voice or likeness to generate and who is accordingly able to identify the affected person, seek consent and label the output, on the basis that holding a provider liable for conduct entirely within its customers' control and outside its operational reach is not a proportionate allocation of responsibility, and that this approach aligns with the European Union's deepfake disclosure rules while preserving legitimate uses such as media, innovation and expression.
504. Microsoft Kenya further submitted that Clause 26(2) be amended to remove the requirement for ex-ante Commissioner review and approval of public sector AI systems, replacing it with a risk-based compliance model placing primary responsibility on providers and deployers and utilising accredited third-party conformity assessment mechanisms, on the basis that a central review and approval model risks a regulatory bottleneck that would discourage public sector AI deployment, consistent with the approach taken under the European Union's AI Act and the OECD and NIST risk-management frameworks.
505. NTT DATA submitted that Section 26 be amended to expressly differentiate the obligations applicable to providers and deployers of artificial intelligence systems based on their level of control and decision-making authority, on the basis that providers and deployers cannot have the same obligations or levels of responsibility, and that the proposed amendment would prevent disproportionate liability allocation.
506. Nexus Tech Policy Advisors Ltd submitted that proportionality mechanisms based on entity size and risk level be introduced, with simplified compliance pathways for small and medium-sized enterprises, on the basis that, while Clause 26 introduces essential safeguards including risk assessments, human rights impact assessments and transparency requirements, the uniform application of these obligations may impose disproportionate burdens on SMEs and startups.
507. Amnesty International Kenya and the Watoto Watch Network submitted that the clause be amended to insert obligations for child-directed or child-accessible AI systems, in order to protect child rights and safety.
508. Dr. Andrew Gitau Kimani submitted that the clause be amended to exempt startups below KSh 50 million turnover from full audit obligations, in order to support early-stage innovation.
509. Mr. Patrick Mainah submitted that the clause be amended to require human review

before automated CRB listing and plain-language credit explanations, in order to promote fair credit decisions.

510. Mr. Patrick Mainah submitted that the clause be amended to scale compliance obligations by company size and system risk, in order to support proportional regulation.
511. Mr. Patrick Mainah submitted that the clause be amended to allow grace periods for low-risk systems and fast-track pathways for early-stage products, in order to support innovation.
512. Mr. Patrick Mainah submitted that the clause be amended to scale documentation and data requirements by risk and complexity, in order to reduce impractical compliance.
513. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to create exemptions for research, pre-deployment testing, pilots and proof-of-concepts, in order to support responsible research.
514. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to create a three-tier open-source compliance framework, in order to support open-source innovation.
515. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to apply proportionate compliance thresholds by turnover, users and deployment stage, in order to reduce burden on small actors.
516. Mr. Allan Muluma (Allan Muluma Advocates) submitted that the clause be amended to require annual third-party conformity audits by accredited auditors, in order to strengthen compliance.
517. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to recognise financial sector AI governance codes with CBK, CMA and IRA, in order to support sectoral supervision.
518. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to classify credit decisioning and fraud detection as presumptively high-risk, in order to protect financial consumers.
519. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to align retention with the Data Protection Act and data minimisation, in order to protect privacy.
520. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to clarify likeness consent, public interest exceptions and provider-deployer obligations, in order to improve enforceability.
521. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital

- Policy Alumni) submitted that the clause be amended to expand high-risk controls to lifecycle risk management, data quality, logging, documentation, oversight, robustness and cybersecurity, in order to strengthen safety.
522. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require iterative human rights, democracy and rule-of-law impact assessments, in order to protect constitutional values.
523. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to publish a Kenyan AI Risk Management Standard aligned with NIST, ISO, AU and the Constitution, in order to improve compliance.
524. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require proportionate AI governance management systems, in order to improve organisational accountability.
525. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add health-specific obligations for clinical and health-system AI, in order to protect patients.
526. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add GPAI and foundation model obligations, in order to address systemic risks.
527. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to apply Data Protection Act principles and informed consent to AI systems affecting women and girls, in order to protect privacy and dignity.
528. The KenSafeSpace Coalition submitted that the clause be amended to require HRIA consultation with affected users, CSOs, journalists and subject experts, in order to improve impact assessment.
529. Human Squared Health and Clover Care (Ms. Sabrina Muchiri) submitted that the clause be amended to create an SME tier below KSh 100 million turnover with simplified disclosure and registration, in order to support healthtech SMEs.
530. Human Squared Health and Clover Care (Ms. Sabrina Muchiri) submitted that the clause be amended to allocate liability across foreign foundation providers, local deployers and end-users, in order to align responsibility with control.
531. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to create a National AI Capacity and Innovation Framework and five-year AI Workforce Development Plan, in order to build local capacity.

532. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to use triggered audits, subsidised toolkits and self-assessment with spot checks, in order to reduce compliance burden.
533. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to insert child protection duties for transparency, child-safe design and no manipulative profiling, in order to protect learners.
534. The Kenya Bankers Association (KBA) submitted that the clause be amended to align high-risk obligations with existing model risk and operational risk frameworks, in order to prevent duplication.
535. The Kenya Bankers Association (KBA) submitted that the clause be amended to integrate human rights impact assessments with CBK, ODPC, risk, compliance and DPIA processes, in order to improve coherence.
536. The Kenya Bankers Association (KBA) submitted that the clause be amended to require meaningful explanations without source code or trade secrets and align with AML tipping-off laws, in order to protect confidentiality.
537. The Kenya Bankers Association (KBA) submitted that the clause be amended to reconcile retention with POCAMLA, Banking Act, DPA and records disposal laws, in order to ensure legal consistency.
538. The Kenya Bankers Association (KBA) submitted that the clause be amended to clarify relation to automated decision-making, lawful basis, cross-border transfers and profiling, in order to improve compliance.
539. The Kenya Bankers Association (KBA) submitted that the clause be amended to provide a biometric authentication carve-out for regulated financial services with DPA-compliant consent, in order to support secure authentication.
540. The Kenya Bankers Association (KBA) submitted that the clause be amended to add assurance standards including drift monitoring, red teaming, fallback and incident escalation, in order to improve safety.
541. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to require mandatory clinical validation before healthcare AI deployment, in order to ensure clinical safety.
542. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to align healthcare AI regulation with KMPDC and other health regulatory bodies, in order to avoid duplication.
543. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan African Health Informatics Association (HELINA) submitted that the clause be amended to create graduated compliance obligations for local health AI

innovators, in order to protect local innovation.

544. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to add occupational safety and labour rights to risk assessments, with independent workforce impact assessment and training data disclosure, in order to strengthen worker safeguards.
545. Mr. Kilion Rodney Lemi submitted that the clause be amended to exempt deployers using third-party models from backend training-data audit requirements, in order to align obligations with control.
546. Mr. Patrick Mainah submitted that the clause be amended to provide reasonable exceptions for likeness, voice and image use, in order to protect public interest uses.
547. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to insert lawful exceptions for journalism, satire, parody, research, education, accessibility, law enforcement and deceased persons, in order to protect lawful expression.
548. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to define affected person, in order to improve legal certainty.
549. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to align retention with anonymisation, pseudonymisation, secure storage, deletion schedules and the Data Protection Act, in order to protect privacy.
550. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require pre-deployment approval or independent review for rights-sensitive public-sector AI, in order to protect public rights.
551. AmCham and KICTANet submitted that consent and labelling duties under Clause 26(g) be limited to real, identifiable individuals, in order to avoid overbroad obligations.
552. AmCham and KICTANet submitted that a proportionate self-assessment model with spot checks be adopted, in order to reduce the compliance burden.
553. AmCham and KICTANet submitted that transparency obligations be limited to meaningful information, with protection for proprietary data, in order to protect innovation while enabling compliance.
554. AmCham and KICTANet submitted that the fixed five-year all-data retention requirement under Clause 26(1)(d) be replaced with records aligned to data protection and retention laws, in order to support data minimisation.

555. AmCham and KICTANet submitted that the consent and labelling obligations under Clause 26(1)(g) be placed on deployers, in order to align obligations with control.
556. AmCham and KICTANet submitted that the public-sector pre-approval requirement under Clause 26(2) be replaced with guidelines and post-deployment audits, in order to avoid bottlenecks.
557. Mtoto Newz International Ltd submitted that child rights impact assessments be required for high-risk AI systems affecting children, in order to protect child welfare.
558. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Require vulnerability impact assessments and differentiated safeguards for children, older persons, persons with disabilities, and economically disadvantaged groups. Include age-appropriate design, parental or guardian consent where appropriate, self-harm safeguards, monitoring and override protocols, inclusive design, and prohibitions on exploitative or manipulative targeting; (b) Require environmental impact assessments disclosing energy consumption, resource use, climate effects, mitigation measures, and adoption of green-AI and renewable-energy practices. The stakeholder gave the following corresponding justifications: (a) Generic protection does not reflect the distinct risks and functional realities of different vulnerable groups or ensure proactive inclusion; (b) Data centres and high-compute AI systems may create significant energy, water, resource, and climate impacts that should be assessed and mitigated.
559. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Introduce AI-specific data-localisation safeguards for sensitive and strategic datasets, classify the datasets subject to localisation, and require vendor agreements to protect data sovereignty, dataset integrity, and liability for violations; (b) Require incident-response and reporting procedures for model drift, errors, adversarial attacks, harmful outputs, and related failures. Classify incidents as critical, high, moderate, or low; set severity-based reporting deadlines to regulators and affected users; and require incident logs to record root cause, severity, mitigation, timestamps, and assigned human responsibility. The stakeholder gave the following corresponding justifications: (a) Dependence on foreign processing, training, and storage infrastructure can create exploitation, distortion, and loss-of-control risks; (b) Structured incident reporting is necessary for operational accountability, remediation, and effective regulatory supervision throughout the AI lifecycle.

560. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Require providers and deployers of high-risk AI to maintain internal AI governance committees, compliance and audit functions, and periodic internal risk and compliance reports; (b) Require context-suitability testing before deployment, including testing under low-bandwidth conditions and intermittent electricity supply. The stakeholder gave the following corresponding justifications: (a) Internal governance embeds accountability within organisations throughout system development, deployment, and monitoring; (b) African infrastructure constraints must be reflected in safety and performance requirements so systems remain reliable in real-world operating conditions.
561. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Require pre-procurement risk assessments, data-sovereignty and security obligations, vendor transparency, audit access, and explainability requirements for third-party models, APIs, and licensed systems used by public or private institutions; (b) Require proprietary AI providers to disclose material system information to regulators, permit regulatory audit access, and implement safeguards against opacity and market dominance. The stakeholder gave the following corresponding justifications: (a) Accountability should extend to opaque third-party suppliers and prevent over-reliance on systems that regulated entities cannot meaningfully audit; (b) Proprietary claims should not prevent effective safety review, accountability, or competitive oversight.
562. Citibank, N.A., Kenya submitted the following proposal: Clarify and narrow high-risk assessment duties and replace unrealistic internal-model explainability with practical, trust-based transparency requirements. The stakeholder gave the following justification: Overbroad duties may be inconsistent, technically impossible for advanced models, and difficult to enforce.
563. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following related proposals: (a) Prescribe a standard Human Rights Impact Assessment format in consultation with the Kenya National Commission on Human Rights and civil society; (b) Require security-by-design, independent pre- and post-deployment testing, and incident reporting for high-risk systems. The stakeholder gave the following corresponding justifications: (a) A common methodology prevents inconsistent box-ticking assessments; (b) AI models are attack surfaces and need preventive cyber security obligations.
564. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Align five-year retention with the Data Protection Act by requiring

anonymisation or pseudonymisation where feasible and documentation of the lawful basis for retention; (b) Require a disability impact assessment addressing accessibility, bias, denial of services or opportunities, universal design, and reasonable accommodation. The stakeholder gave the following corresponding justifications: (a) This reconciles audit needs with data-minimisation and storage-limitation principles; (b) General human-rights assessments may overlook disability-specific harms.

565. Data Labelers Association submitted the following proposal: Recognise data labelling, content moderation, and other AI supply-chain work and require assessment of psychological and occupational risks affecting those workers. The stakeholder gave the following justification: AI data workers may face harmful content, extreme productivity pressure, and other risks that are not expressly covered.
566. Sheria Watch submitted the following related proposals: (a) Scale high-risk obligations by entity size, deployment scale, and system autonomy, using simplified templates and phased compliance for smaller actors; (b) Define explicit consent for use of a person's likeness, require labelling of synthetic content, and provide civil and enforcement remedies for misuse. The stakeholder gave the following corresponding justifications: (a) A full mature-market compliance regime at entry may function as a barrier rather than a safeguard; (b) Clear consent and provenance duties improve protection against deepfakes.
567. Mr. Patrick Miringu submitted the following proposal: Provide simplified reports, exemptions, and publicly funded technical compliance assistance for startups and SMEs. The stakeholder gave the following justification: Tiered compliance protects early-stage local innovation.
568. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Impose obligations on every entity that makes a general-purpose AI model available in Kenya by API, embedded deployment, or open-source release, including technical documentation, disclosure of known limitations and failure modes, a summary of training-data and copyright compliance, and reporting of systemic incidents; (b) Define a high-capability general-purpose AI model by an appropriate computational threshold, suggested as more than 10^{23} floating-point operations in training, and require registration, red-team testing, adversarial testing, and enhanced systemic-risk controls. The stakeholder gave the following corresponding justifications: (a) General-purpose models create risks across multiple downstream sectors that cannot be addressed solely by regulating the final application; (b) Models trained at very large scale may create systemic risks

that warrant obligations beyond those applied to ordinary or narrow AI systems.

569. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Require a provider or deployer using biometric AI in a permitted context to conduct a Biometric Impact Assessment and publish a non-confidential summary before deployment. The stakeholder gave the following justification: A pre-deployment assessment would identify privacy, accuracy, demographic-bias, necessity, and proportionality risks associated with biometric processing.
570. Mr. Omondi Aloo (Flash Credit Africa) submitted the following related proposals: (a) Require high-risk providers to file a Values Alignment Declaration covering training-data selection, design choices, and pre-market bias testing; (b) Require an aggregate impact assessment where integrated AI systems feed outputs into one another. The stakeholder gave the following corresponding justifications: (a) Fairness and dignity should be embedded during design rather than audited only after deployment; (b) Interaction and cumulative risks may be more serious than failures of individual components.
571. Mr. Keith Kimani Njunge submitted the following proposal: Create a startup grace period or provide public subsidies for human-rights impact assessments and record-keeping audits. The stakeholder gave the following justification: Five-year record retention and compulsory assessments may be financially prohibitive for local startups.
572. FinServe Africa Limited submitted the following related proposals: (a) Deem data-protection impact assessments and equivalent assessments under banking or other financial-services laws sufficient for clause 26 privacy and data-governance requirements, provided they are supplemented to cover AI-specific risks; (b) Require significant deployers to undergo an annual audit against the ethical-guideline parameters and prohibit the appointed auditor from using an AI system as the audit tool. The stakeholder gave the following corresponding justifications: (a) Recognition of existing sectoral assessments would avoid duplicating the same privacy review without weakening AI-specific safeguards; (b) Human-led audits would promote independence, transparency, and verifiability given the present limitations and potential biases of AI audit tools.
573. FinServe Africa Limited submitted the following proposal: Permit post-hoc explanations of AI outputs, ex-post human review when an affected customer complains, and effective override mechanisms for consequential decisions. The stakeholder gave the following justification: Flexible explainability and review mechanisms would permit use of advanced machine-learning models while preserving meaningful customer safeguards.

574. Ms. Hannah Maina submitted the following related proposals: (a) Require enforceable human-rights impact assessments focused on gender equality, non-discrimination, and marginalised communities; (b) Align AI data processing with informed consent, data minimisation, and accountability requirements under existing data-protection law. The stakeholder gave the following corresponding justifications: (a) Explicit assessment standards are needed to protect vulnerable groups; (b) Weak safeguards increase the risk of privacy violations and exploitation.
575. Kanyi Chapline Ndabana submitted the following proposal: Exempt students and early-stage startups from heavy reporting and five-year logging requirements. The stakeholder gave the following justification: Large compliance costs would suppress student-led projects and local startup development.
576. Kenya Healthcare Federation (KHF) submitted the following proposal: Create simplified duties below defined startup or user thresholds, trigger full duties at clinical scale, and define clinical explainability as a clear account of factors supporting a recommendation. The stakeholder gave the following justification: Stacked assessments and undefined explainability are costly and uncertain for health SMEs.
577. Mr. Gerald Kiti submitted the following related proposals: (a) Specify mandatory impact-assessment content, including purpose, context, data sources, outputs, risks, mitigation, oversight, monitoring, limitations, and failure scenarios; (b) Require periodic and event-triggered reassessment after retraining, updates, or contextual change and continuous monitoring for bias drift, degradation, and emerging risk. The stakeholder gave the following corresponding justifications: (a) A statutory minimum prevents assessments from becoming formalities; (b) AI risk evolves after deployment in dynamic Kenyan contexts.
578. Mr. Gerald Kiti submitted the following related proposals: (a) Require model cards, dataset provenance summaries, intended and prohibited uses, known limitations, risk controls, and sufficient technical specifications for downstream assessment; (b) Require significant incident reporting within severity-based deadlines, immediate notice of imminent threats, and continuing updates. The stakeholder gave the following corresponding justifications: (a) Downstream users and public procurers need usable documentation to assess risk; (b) Operational reporting enables timely intervention rather than retrospective enforcement.
579. Mr. Gerald Kiti submitted the following related proposals: (a) Require large developers to implement internal AI safety and risk-governance frameworks with thresholds, escalation procedures, mitigation protocols, recognised standards,

- periodic review, and public high-level summaries; (b) Require cybersecurity safeguards for trained models and core components, controls against unauthorised access or extraction, and AI-specific incident-response protocols. The stakeholder gave the following corresponding justifications: (a) Complex systems need embedded organisational accountability; (b) Model-level security is essential as financial, identity, and public systems digitise.
580. Mr. Gerald Kiti submitted the following related proposals: (a) Assess data origin, representation of Kenyan populations, and cultural and linguistic relevance before consequential deployment; (b) Adopt proportionate duties for SMEs while preserving strict controls for genuinely high-risk use. The stakeholder gave the following corresponding justifications: (a) Foreign models may embed bias and perform poorly in Kenyan settings; (b) Smaller entities should not be overburdened merely because of size-independent formalities.
581. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require security by design, accredited pre-deployment and biannual adversarial testing, and notification of material AI security incidents within seventy-two hours; (b) Require foreign AI providers above defined Kenyan user, revenue, or risk thresholds to appoint a local legal representative and permit market-access restrictions for persistent non-compliance. The stakeholder gave the following corresponding justifications: (a) Dedicated cybersecurity duties are necessary for safe deployment and timely incident response; (b) A local representative and cooperation powers strengthen enforcement against foreign systems.
582. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require agentic AI operators to define authorised boundaries, maintain tamper-evident action logs, provide effective kill switches for high-risk uses, and accept liability for actions within the authorised scope; (b) Prohibit commercial profiling and manipulative AI directed at children and require parental consent, impact assessment, notification, and opt-out safeguards for high-risk education systems. The stakeholder gave the following corresponding justifications: (a) Autonomous action requires traceability, intervention, and clear responsibility; (b) Children require special protection against behavioural manipulation and biometric misuse.
583. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Develop sector-specific AI security frameworks for health, finance, energy, water, and other critical infrastructure; (b) Use simplified self-assessment below defined employee, revenue, and user thresholds and publish free impact-assessment templates. The stakeholder gave the following corresponding justifications: (a) Critical sectors need tailored cybersecurity, testing, incident-response, and model-

governance requirements; (b) Graduated duties preserve competition and reduce compliance asymmetry.

584. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require energy, carbon, and water disclosures and environmental conformity assessment for large AI systems and data centres; (b) Insert a harmonisation rule under which data protection law governs personal-data processing, the AI Act governs system risk, joint regulators resolve conflicts promptly, and the more protective rule applies in the interim. The stakeholder gave the following corresponding justifications: (a) AI infrastructure has material resource and climate impacts; (b) A clear hierarchy avoids regulatory triple jeopardy and protects data subjects.
585. Ms. Mutheu Nyagah Khimulu submitted the following proposal: For healthcare AI, define the respective mandates of the AI regulator, ODPC, Digital Health Agency, and professional regulators and require binding joint guidance within twelve months. The stakeholder gave the following justification: Healthcare operators already face overlapping data-protection, digital-health, professional, and AI duties, creating contradictory reporting and compliance requirements.
586. Mr. Russel Crowe submitted the following proposal: Require high-risk assessments to consider Kenya's cross-border digital-trade obligations under the AfCFTA and East African Community frameworks. The stakeholder gave the following justification: Cross-border compatibility is relevant to regional deployment and trade.
587. Mr. Ian Limo Chirchir submitted the following related proposals: (a) License independent AI audit firms to conduct scalable technical audits on behalf of the Office; (b) Require AI platforms to embed recognised provenance metadata such as C2PA in generated content. The stakeholder gave the following corresponding justifications: (a) A single government office cannot audit every software stack without accredited external capacity; (b) Technical watermarking is more effective than attempting to trace anonymous originators after distribution.
588. SunCulture Kenya Limited submitted the following related proposals: (a) Publish a prescribed Human Rights Impact Assessment framework within twelve months and provide a safe harbour for good-faith assessments conducted under prescribed or recognised interim standards; (b) Retain model documentation and consequential-decision records for five years but permit shorter proportionate retention for high-volume, non-consequential IoT input-output logs. The stakeholder gave the following corresponding justifications: (a) An undefined assessment duty exposes responsible deployers to after-the-fact discretion without

- a compliance benchmark; (b) Inference-level retention across thousands of devices would impose large storage costs without meaningful audit value.
589. Ms. Fridah Nduta submitted the following proposal: Adopt flexible and adaptive obligations that support startups, creators, students, and freelancers. The stakeholder gave the following justification: A rigid mature-market regime may exclude young people from Kenya's digital economy.
590. Mr. Erick Mwangi (TerraSept Solutions Ltd) submitted the following related proposals: (a) Create proportionate SME exemptions or streamlined requirements for Kenyan startups below defined thresholds or serving underserved communities; (b) Require foreign AI providers serving Kenyan users to appoint a local compliance representative. The stakeholder gave the following corresponding justifications: (a) Full assessment and reporting duties may divert limited engineering resources and favour foreign incumbents; (b) A local representative addresses enforcement asymmetry between reachable domestic firms and foreign model providers.
591. Ms. Noelle Atieno (Direct Democracy Africa (DDA)) submitted the following proposal: Create a single-window process under which a Data Protection Impact Assessment satisfies equivalent AI impact-assessment requirements. The stakeholder gave the following justification: A combined process avoids duplicate assessments and an unaffordable regulatory tax on local health startups.

Clause 27 – Register of High-Risk Artificial Intelligence Systems

592. Microsoft Kenya submitted that transparency mechanisms under Clause 27 ensure appropriate disclosure while protecting commercially sensitive and security-related information, including through restricted-access or tiered disclosure systems where necessary, on the basis that a mandatory public register, if not carefully scoped, risks exposing sensitive government or critical systems, disclosing proprietary or trade-secret information and creating cybersecurity and misuse vulnerabilities where system details are made widely accessible.
593. Dr. Andrew Gitau Kimani submitted that the clause be amended to create an open-source adapter safe harbour, in order to protect good-faith downstream developers.
594. Mr. Richard Ruoro submitted that the clause be amended to create an open-source adapter safe harbour, in order to support open innovation.
595. Mr. Richard Ruoro submitted that the clause be amended to introduce three-tier SME compliance thresholds, in order to ensure proportional compliance.
596. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to

specify registration timing, information, effect, access and confidentiality, in order to improve certainty.

597. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to specify register contents and safeguards for secrets, personal data and cybersecurity information, in order to balance transparency and security.
598. The Kenya Bankers Association (KBA) submitted that the clause be amended to limit public register information to high-level metadata with confidentiality redactions, in order to protect AML, fraud and cybersecurity systems.
599. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to delete high-risk from the public register scope, in order to require registration of all AI systems.
600. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to require a public register of AI loggers for each registered system, in order to improve traceability.
601. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to require a public register of AI controllers for each registered system, in order to improve accountability.
602. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to require a public register of AI practitioners, in order to support professional recognition.
603. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to require a register of professional associations under the Act, in order to improve stakeholder coordination.
604. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to place AI registers under the Strategic Goods Control Act, in order to protect controlled technologies.
605. AmCham and KICTANet submitted that a tiered register be created, with public metadata and restricted technical information, in order to protect security and trade secrets.
606. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Establish a national AI compute registry requiring reporting of large-scale model-training activity and capability thresholds that trigger enhanced regulation; (b) Establish responsible open-source AI guidelines and a registry of open-source models with a sub-register for derivative systems, supported by licensing, development monitoring, safeguards against harmful

- models, and clear downstream-liability rules. The stakeholder gave the following corresponding justifications: (a) Compute governance would give the State visibility into highly capable systems and risks arising from concentrated computational power; (b) Open-source development requires proportionate traceability and accountability without eliminating its innovation benefits.
607. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Create a sixty-day process for removal of systems that no longer meet high-risk criteria, provide appeal rights, and require annual review of the register. The stakeholder gave the following justification: A removal mechanism protects due process and prevents indefinite reputational harm.
608. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Require every biometric AI system used under a lawful exception to be registered with the Commissioner before deployment; (b) Require a foreign AI provider with more than 10,000 active users in Kenya in any twelve-month period to designate a local representative, register with the Commissioner, and submit to Kenyan jurisdiction for compliance purposes. The stakeholder gave the following corresponding justifications: (a) Mandatory registration would make permitted biometric deployments visible to the regulator and support auditing of compliance with the applicable safeguards; (b) A materiality threshold would focus enforcement on foreign systems with significant Kenyan reach while ensuring that major providers have an accountable local point of contact.
609. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Create a Digital Services Register listing foreign AI systems in material use in Kenya and disclose their registration and compliance status, with updates at least twice each year. The stakeholder gave the following justification: A public register would improve transparency, user awareness, and regulatory oversight of significant foreign AI services.
610. FinServe Africa Limited submitted the following proposal: Define the registration trigger and applicable thresholds; provide tiered register access so sensitive commercial or security information is restricted to regulators; and limit public disclosure to non-sensitive summaries. The stakeholder gave the following justification: The current clause does not clearly identify when registration is mandatory and may expose proprietary models, fraud controls, or security vulnerabilities.
611. Kenya Healthcare Federation (KHF) submitted the following proposal: Publish only basic system purpose and deployer details while keeping technical documentation in a confidential regulatory dossier protected as intellectual

property. The stakeholder gave the following justification: A public register should not expose proprietary health-system architecture or discourage technology transfer.

612. Mr. Gerald Kiti submitted the following related proposals: (a) Establish a national AI incident registry receiving reports from developers, deployers, and the public and publishing anonymised trend reports; (b) Publish plain summaries of high-risk systems covering purpose, sector, principal risks, and mitigation measures. The stakeholder gave the following corresponding justifications: (a) A central registry supports evidence-based policy and early identification of systemic risk; (b) Public visibility promotes trust, accountability, and informed participation.

Clause 28 – Artificial Intelligence Transparency and Safeguards

613. FMC Advocates proposed that disclosure be required when users interact with AI, such as chatbots, recommender systems and deepfakes, to build user awareness and trust.
614. Mr. Robinson Macharia recommended that registration fees and annual compliance reports for high-risk sectors be abolished, on the basis that these costs are a barrier to entry for Kenyan startups and suppress the innovation fostered by the National AI Strategy 2025–2030, and further proposed that eligibility criteria, an application process, defined timelines, supervision requirements and exit mechanisms be introduced, to improve usability and ensure the framework functions as a practical innovation tool.
615. The National Intelligence Service (NIS) submitted that disclosure be required where users interact with AI agents, or where AI acts on behalf of an institution, to reduce impersonation and accountability gaps.
616. Uber submitted, in respect of Clause 28(1), that the disclosure obligation be limited to high-risk systems only, to avoid imposing unnecessary compliance requirements on low-impact systems.
617. Uber submitted, in respect of Clause 28(2), that the clause be aligned with existing legal definitions and more targeted to AI-specific risks, on the basis that it duplicates the provisions of the Data Protection Act.
618. Uber submitted, in respect of Clause 28(3), that the clause include more detail on the required contents of compliance reports, noting that reporting on each high-risk system is onerous without clearer guidance.
619. Google submitted that transparency and disclosure obligations be calibrated to risk level, with detailed public disclosure reserved for high-risk systems, and that the

- Cabinet Secretary establish a framework allowing providers to claim confidentiality over proprietary compliance data and trade secrets, on the basis that uniform disclosure for all systems exposes sensitive algorithmic trade secrets to competitors.
620. COTU (K) submitted that workers be guaranteed full disclosure of algorithmic decision-making processes, clear and accessible explanations of automated decisions, human review and appeal mechanisms, and protection from discriminatory or biased outcomes, on the basis that Clause 28 does not go far enough in addressing “black-box” systems whose logic is unknown to the workers they affect.
621. The Kenya Actors Guild submitted, in similar terms, that automated suspensions, deactivations and termination-equivalent decisions be explicitly classified as “significant decisions” requiring explanation, human review and appeal.
622. FECoMo submitted that a public-interest exemption be introduced for news reporting, satire and parody in respect of synthetic-media obligations under Clauses 26 and 35, on the basis that rigid consent requirements could chill investigative journalism and political commentary.
623. Walukhu and Company Advocates submitted that all explanations and disclosures mandated under the Bill be required to be available in Kiswahili as a minimum, with provision for other national languages where an AI system is deployed in a specific community context, on the basis that the right to explanation under Articles 35, 47 and 50 of the Constitution is constitutionally meaningless if exercised only in English, given that a significant proportion of Kenyan AI users interact primarily in Kiswahili or other national languages.
624. The Cereal Growers Association (CGA) submitted that the Bill include explicit provisions guaranteeing farmer ownership of agricultural data, requiring informed consent for the collection and use of soil, yield and farm-record data, and providing safeguards on the sharing and storage of sensitive agricultural datasets, on the basis that farmers must not lose control over data that is critical to both their livelihoods and national food security.
625. Microsoft Kenya submitted, in respect of Clause 28(3), that providers or deployers of high-risk AI systems be required to maintain and make available to the regulatory authority, upon request, documentation sufficient to demonstrate compliance, rather than submitting mandatory annual compliance reports, on the basis that a Kenya-specific annual reporting cycle creates a parallel compliance track that increases operational complexity and could deter investment, whereas event-driven reporting through documentation-on-request, monitoring and

incident reporting is more interoperable with how global compliance programmes are structured.

626. Nexus Tech Policy Advisors Ltd submitted that detailed guidance be provided on disclosure requirements, including labelling standards for synthetic content, on the basis that, while the Bill introduces transparency obligations particularly in relation to AI-generated content, the absence of operational detail, particularly for generative AI, may create implementation challenges.
627. Dr. Andrew Gitau Kimani submitted that the clause be amended to limit downstream adapter disclosures to foundation model, fine-tuning data and deployment context, in order to align disclosure with control.
628. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to limit disclosure obligations to systems with high, limited or material legal effects, in order to ensure proportional transparency.
629. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require AI system and model cards with a standard public disclosure template, in order to improve transparency.
630. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to prescribe disclosure format, minimum contents and confidentiality treatment, in order to improve transparency.
631. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require plain-language English and Kiswahili, accessible, child-appropriate and timely disclosures, in order to improve accessibility.
632. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to replace user with provider, deployer or controller and provide notice, reasons, human review, contestation and remedy rights, in order to protect affected persons.
633. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to define public report contents, templates and confidentiality reasons, in order to improve reporting.
634. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require provenance, watermarking and authenticity standards for realistic synthetic media, in order to improve transparency.
635. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to require quarterly safeguarding reports for high-risk systems, in order to strengthen

accountability.

636. The KenSafeSpace Coalition submitted that the clause be amended to add rights to notice, reasons and independent remedy for AI affecting expression, access to information or reputation, in order to protect civic rights.
637. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to recognise parents' and students' right to know when AI is used in grading or progress tracking, in order to improve transparency.
638. The Kenya Bankers Association (KBA) submitted that the clause be amended to delete disclosure of bias mitigation and fairness measures, in order to protect sensitive risk controls.
639. The Kenya Bankers Association (KBA) submitted that the clause be amended to define significant legal or similar effects for banking, in order to clarify appeal triggers.
640. The Kenya Bankers Association (KBA) submitted that the clause be amended to provide materiality thresholds and reporting templates, in order to improve reporting consistency.
641. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan African Health Informatics Association (HELINA) submitted that the clause be amended to require patient disclosure and accessible grievance mechanisms for clinical AI, in order to protect patient rights.
642. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to treat deactivations, suspensions and material wage deductions as significant decisions requiring 24-hour human review, in order to protect income.
643. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to automatically suspend significant decisions where 24-hour review is missed, in order to make review enforceable.
644. AmCham and KICTANet submitted that risk-calibrated disclosures and a confidentiality framework be adopted, in order to protect sensitive information.
645. AmCham and KICTANet submitted that the annual reporting requirement under Clause 28(3) be replaced with documentation on request and event-driven reporting, in order to reduce duplicative reporting.
646. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Require disclosure whenever a person interacts directly with AI, provide a case-specific plain-language explanation of automated decisions, and publish non-confidential compliance summaries on the register within sixty days. The stakeholder gave the

following justification: Baseline interaction notice and meaningful explanations make transparency and contestation practical.

647. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Require all notices and disclosures to be available in accessible formats, including plain language, large print, braille, sign language, captioning, and screen-reader-compatible formats; (b) Define legal or similarly significant effects to include employment, credit, education, healthcare, housing, legal rights, benefits eligibility, and access to public services. The stakeholder gave the following corresponding justifications: (a) Transparency rights are ineffective where affected persons cannot access the information; (b) A statutory list improves certainty for deployers, affected persons, and courts. Mr. Patrick Miringu submitted the following proposal: Guarantee affected users an understandable explanation of the logic behind consequential AI decisions. The stakeholder gave the following justification: Explainability reduces black-box discrimination in finance, justice, and other critical sectors.
648. FinServe Africa Limited submitted the following proposal: Limit mandatory user disclosures to AI decisions that produce legally or financially significant effects. The stakeholder gave the following justification: Targeted disclosure would prevent customers from being overwhelmed by notices concerning low-impact or routine automation.
649. Ms. Hannah Maina submitted the following proposal: Require explainability, independent audits, and accessible challenge mechanisms for high-risk AI decisions. The stakeholder gave the following justification: Affected persons must be able to understand and contest decisions affecting rights and public services.
650. Bunge Mashinani School of Governance submitted the following proposal: Define affected persons and provide proportionate disclosure, due process, appeal, and freedom-of-expression safeguards. The stakeholder gave the following justification: Clear standing and procedures make transparency rights enforceable.
651. Kenya Healthcare Federation (KHF) submitted the following proposal: Define significant clinical effects, require review by a qualified health professional, standardise compliance reports, and limit patient-facing notice to material effects on diagnosis, treatment, triage, referral, discharge, eligibility, claims, or access to care. The stakeholder gave the following justification: Meaningful transparency should protect patients without creating alert fatigue and blanket bureaucracy.
652. Mr. Gerald Kiti submitted the following related proposals: (a) Give affected persons notice of AI use, an explanation of the system's role and decision, access to relevant data, correction rights, human review, and appeal; (b) Require

- disclosures in plain language, English and Kiswahili, accessible formats, and appropriate local languages. The stakeholder gave the following corresponding justifications: (a) Individual rights should be explicit where AI contributes to consequential decisions; (b) Transparency should reflect Kenya's linguistic and disability-access realities.
653. Mr. Gerald Kiti submitted the following related proposals: (a) Require upfront and persistent notice of AI interaction in verbal or written form, especially in financial, legal, health, and mental-health services; (b) Apply baseline consumer protections to chatbots, digital lending, automated advisory tools, e-commerce recommendations, and other ordinary AI interactions. The stakeholder gave the following corresponding justifications: (a) Clear notice reduces deception, misplaced trust, and over-reliance; (b) Widespread consumer harms do not arise only from formally high-risk systems.
654. Mr. Gerald Kiti submitted the following proposal: Require periodic transparency reports for advanced systems covering capabilities, uses, limitations, risks, mitigation, and third-party evaluation. The stakeholder gave the following justification: Pre-deployment and ongoing reporting improves regulatory visibility and public trust.
655. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require human review before automated CRB listing, give plain-language credit reasons in English and Kiswahili, and prohibit AI-driven debt-collection harassment; (b) Require judicial authorisation for real-time biometric identification in public spaces, prohibit unauthorised secondary use, publish disaggregated error rates, and mandate human review of adverse biometric decisions. The stakeholder gave the following corresponding justifications: (a) Mobile-credit decisions can materially affect financial inclusion and dignity; (b) Biometric systems present substantial privacy, equality, and accuracy risks.
656. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require explanations in Kiswahili at minimum and issue guidance for other recognised languages used by affected communities; (b) Require disclosure of AI-generated political advertising, restrict psychological micro-targeting without consent, and require cooperation with the IEBC during elections. The stakeholder gave the following corresponding justifications: (a) A right to explanation is meaningful only where people can understand it; (b) Election integrity requires controls beyond ordinary deepfake offences.
657. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require explanation and human-review systems to comply with recognised

accessibility standards adapted to Kenya; (b) Give gig and informal-sector workers accessible notice and explanations of algorithmic work allocation, pay, ratings, suspension, and deactivation; prohibit permanent deactivation without human review and provide a cause of action for affected workers. The stakeholder gave the following corresponding justifications: (a) Persons with disabilities need equal access to AI safeguards; (b) Platform algorithms increasingly determine livelihoods while workers lack meaningful information, review, or redress.

658. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Require human verification of AI outputs used in land titling, compulsory-acquisition valuation, and land-use classification, provide explanations accessible to affected communities, and preserve a right of challenge before the Environment and Land Court. The stakeholder gave the following justification: Errors or bias in land-administration AI may cause dispossession, inadequate compensation, or misclassification of customary land use.
659. Mr. Ian Limo Chirchir submitted the following related proposals: (a) Require appeals from public-service AI decisions to be handled entirely by a human officer rather than another automated system; (b) Publish final audits and investigation reports in the Gazette and a public portal within thirty days. The stakeholder gave the following corresponding justifications: (a) A non-AI appeal prevents citizens from being trapped in repeated machine error; (b) Public scrutiny improves accountability for biased or failed algorithms.
660. SunCulture Kenya Limited submitted the following proposal: Require disclosures in languages and formats accessible to the user, including oral, agent-mediated, SMS, and voice channels, with comprehension testing for rural and agricultural services. The stakeholder gave the following justification: Written English digital notices may not meaningfully inform rural users with different literacy and language needs.

Clause 29 – Regulatory Sandboxes

661. Communications Authority of Kenya (CA) proposed that the Commissioner consult other relevant regulatory bodies in establishing regulatory sandboxes, to allow bodies such as the Authority to support existing regulatory sandbox arrangements.
662. FMC Advocates recommended that the scope of disclosure, the thresholds for applicability, and exemptions for low-risk or non-sensitive systems be clarified, to reduce over-compliance and align obligations with risk.
663. Mr. Wilson Rading submitted that a right of access to sandbox participation be

- introduced for any applicant meeting the objective criteria, together with a 45-day decision timeline and an express right of appeal, on the basis that discretionary access without timelines or appeal can lead to favouritism and a lack of transparency.
664. The Architects Alliance proposed that a new subsection be inserted establishing sector-specific sandboxes, including for the built environment and smart-city systems, on the basis that the current provision is too general to leverage sector-specific innovation opportunities.
665. Mr. Alister Govedi recommended that the use of regulatory sandboxes be strengthened to support innovation under supervision, on the basis that proportional, risk-tiered approaches are more effective than rigid pre-emptive constraints.
666. Mr. Adrian Omuoso submitted that free regulatory sandboxes be provided to local small and medium-sized enterprises and startups, with priority access, and that safe-harbour provisions be introduced to protect developers from administrative fines where they operate in good faith under a pre-approved sandbox plan.
667. The National Intelligence Service (NIS) proposed that special sandbox safeguards be added for agentic, biometric, cybersecurity, public-sector and embodied AI, to provide enhanced safeguards where AI may affect security, privacy, public services, bodily autonomy or cyber infrastructure.
668. FECoMo submitted that the regulatory sandbox include a public repository of pre-vetted, open-source compliance and bias-testing tools, and that the Commissioner publish annual guidance ensuring that innovation protections do not compromise safety, on the basis that the Bill is heavily weighted toward prohibitions and fines without a corresponding innovation-support mechanism.
669. The Kenya Actors Guild submitted that participation in a regulatory sandbox be made mandatory for high-risk workplace AI systems prior to deployment, on the basis that this would allow stress-testing of such systems before deployment at scale.
670. Thomas Louis Advocates submitted that sandbox prioritisation criteria be objective and publicly published rather than based on undefined “national priorities”, and that the Commissioner develop a coordination protocol with the Central Bank of Kenya and the Capital Markets Authority within ninety days of appointment so that applicants are not required to participate in multiple sandboxes for the same innovation, on the basis that an opaque prioritisation mechanism is open to regulatory capture and duplicates existing sector sandboxes.

671. Ms. Gladwell Nduta submitted that Clause 29 be strengthened to allow automatic entry for Kenyan startups into the regulatory sandbox so that innovation is not stalled by Clause 10's vetting requirements, and recommended that the sandbox provisions be expanded to permit live testing of an application while vetting is in progress.
672. The Cereal Growers Association (CGA) submitted, in support of the regulatory sandbox provisions, that agriculture-focused AI solutions be prioritised in sandbox approvals and that county-level sandboxes be established in partnership with county governments, farmer organisations and research institutions, on the basis that agriculture is highly localised and that testing innovations within real farming environments will accelerate adoption and reduce risk.
673. Microsoft Kenya submitted that Clause 29 be amended to include clear eligibility criteria, defined timelines such as processing applications within sixty days and limiting participation to twelve months extendable by six, a regulatory safe harbour exempting participants from enforcement action for activities within the approved sandbox scope, defined exit pathways including streamlined compliance certification, and publication requirements for annual sandbox reports, on the basis that the absence of defined eligibility criteria, timelines and exit conditions creates uncertainty that may deter participation and risks favouring well-resourced incumbents over startups.
674. NTT DATA submitted that the Commissioner be required to prescribe eligibility criteria for participation in a regulatory sandbox, the application, evaluation and approval process, a duration of participation not exceeding twelve months unless extended for reasonable cause, safeguards relating to ethics, data protection, human rights, cybersecurity and risk monitoring, and reporting and disclosure obligations, and further submitted that a new subsection be inserted requiring the Commissioner to prescribe clear exit mechanisms, including criteria for successful exit and market deployment, corrective measures where risks are identified, and suspension or termination of participation where safeguards are breached, on the basis that the Act provides for the establishment of regulatory sandboxes without providing the criteria, timelines or exit mechanisms for participation.
675. Dr. Andrew Gitau Kimani submitted that the clause be amended to mandate regulatory sandboxes within twelve months, in order to promote responsible innovation.
676. Mr. Patrick Mainah submitted that the clause be amended to publish sandbox eligibility criteria within ninety days, in order to improve certainty.
677. Mr. Patrick Mainah submitted that the clause be amended to create simple and fast

- sandbox entry with temporary exemptions during testing, in order to promote innovation.
678. Mr. Richard Ruoro submitted that the clause be amended to mandate a sandbox within twelve months and make it free below KSh 100 million turnover, in order to support startups.
 679. Mr. Peter Lemashon Ntutu submitted that the clause be amended to create AgriTech and ClimaTech AI sandboxes with safe harbour and subsidised compute, in order to support national priorities.
 680. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to prioritise sandboxes for national priorities, Kenyan-led systems, underserved regions and academic institutions, in order to promote inclusive innovation.
 681. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to specify sandbox duration, reporting and post-exit compliance or cessation periods, in order to improve regulatory certainty.
 682. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to coordinate sandboxes with sector sandboxes and set clear timelines and exit routes, in order to support innovation.
 683. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to clarify that sandboxes do not exempt constitutional, data protection, consumer, cyber, equality or safety duties, in order to protect rights.
 684. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to prioritise local innovation, SMEs, universities, counties, local-language and public-interest AI in sandboxes, in order to promote inclusive innovation.
 685. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to create accessible MSME sandboxes with temporary regulatory relief, in order to support innovation.
 686. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to prioritise sandboxes addressing human rights harms such as technology-facilitated gender-based violence, in order to support safe testing.
 687. The KenSafeSpace Coalition submitted that the clause be amended to require informed consent and vulnerable-group protections in sandboxes, in order to protect participants.
 688. Human Squared Health and Clover Care (Ms. Sabrina Muchiri) submitted that the

- clause be amended to reserve sandbox capacity for SMEs, healthtech and sexual and reproductive health and wellbeing tools, in order to support local innovation.
689. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to create sandboxes for local safe models using Kenyan curriculum and local languages, in order to support local education AI.
690. The Kenya Bankers Association (KBA) submitted that the clause be amended to recognise CBK sandbox participation as compliance under the AI Act, in order to avoid duplication.
691. The Kenya Bankers Association (KBA) submitted that the clause be amended to create a joint financial sector AI sandbox with CBK, SASSRA, IRA and ODPC, in order to improve coordination.
692. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to use narrative medicine as a pilot framework for AI-supported clinical review, in order to promote human-centred health AI.
693. Mr. Michael Onyango submitted that the clause be amended to mandate a twenty-four-month regulatory sandbox and incubation period for Kenyan-led tech entities, in order to support local innovation.
694. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan African Health Informatics Association (HELINA) submitted that the clause be amended to make the sandbox the presumptive entry pathway for locally built health AI, in order to support safe innovation.
695. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to require mandatory sandbox testing for workplace AI with worker participation, in order to test labour impacts.
696. Mr. Kilion Rodney Lemi submitted that the clause be amended to create a low-revenue developer sandbox, in order to support independent developers.
697. AmCham and KICTANet submitted that sixty-day sandbox decisions, safe harbour and streamlined conformity on exit be provided for, in order to promote innovation.
698. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Expand innovation support to include AI funding programmes, startup tax incentives, fair-equity investment structures, transparent sandbox admission criteria, developer support, flexible testing conditions, favourable exit pathways, and equitable regional and sectoral access. The stakeholder gave the following justification: Innovation support should lower barriers for local developers and ensure that investment and sandbox opportunities

- are not concentrated in a few regions or sectors.
699. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Define a maximum period for sandbox participation. The stakeholder gave the following justification: A time limit prevents indefinite operation in a controlled environment without full compliance.
 700. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Establish sandboxes within twelve months and protect good-faith participants from enforcement for activities approved under the sandbox. The stakeholder gave the following justification: A deadline and safe harbour provide certainty for responsible innovators.
 701. Sheria Watch submitted the following proposal: Publish sandbox eligibility thresholds, duration, exit conditions, and intellectual-property safeguards, and ensure access for startups and early-stage innovators. The stakeholder gave the following justification: Transparent conditions prevent discretionary gatekeeping and make the sandbox a meaningful innovation pathway.
 702. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Link the AI sandbox with CBK, Communications Authority, and other sector sandboxes through shared criteria, joint applications, monitoring, and learning. The stakeholder gave the following justification: Interoperability prevents duplicate sandbox processes and supports financial inclusion.
 703. FinServe Africa Limited submitted the following proposal: Require sector-specific sandboxes, including a dedicated financial-services framework, and provide express safe-harbour treatment through exemptions or modified compliance duties during authorised testing. The stakeholder gave the following justification: Financial institutions operate under prudential regulation; a generic sandbox without safe harbour may conflict with sectoral duties and leave testing participants exposed to liability.
 704. Ms. Hannah Maina submitted the following proposal: Provide incentives, funding, and sandbox support for local, youth-led, and community-based AI solutions. The stakeholder gave the following justification: Local innovation produces context-relevant solutions and supports economic growth.
 705. Kanyi Chapline Ndabana submitted the following proposal: Retain and make regulatory sandboxes accessible to local startups. The stakeholder gave the following justification: Sandboxes allow safe testing without immediate legal penalties.

706. Bunge Mashinani School of Governance submitted the following proposal: Provide government-backed compute, datasets, and cloud credits and adopt tiered fee or tax-credit incentives for startups in the sandbox. The stakeholder gave the following justification: Practical infrastructure and reduced entry costs make innovation support meaningful.
707. Kenya Healthcare Federation (KHF) submitted the following proposal: Co-establish health AI sandboxes with the Ministry of Health, KMPDC, and PPB and require patient-safety monitoring, adverse-event reporting, and clinical ethics review. The stakeholder gave the following justification: Clinical testing requires sector expertise and safety oversight.
708. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Create a national AI Audit Centre funded from registration fees to provide subsidised adversarial testing, bias verification, and compliance support to domestic SMEs. The stakeholder gave the following justification: Shared technical infrastructure makes meaningful compliance accessible to smaller developers.
709. Mr. Ian Limo Chirchir submitted the following proposal: Provide sandbox participants with subsidised government compute or cloud credits. The stakeholder gave the following justification: GPU and API costs are major barriers to local AI development.
710. SunCulture Kenya Limited submitted the following proposal: Publish sandbox eligibility criteria, decide complete applications within sixty days, give reasons and appeal rights for rejection, report decisions annually, and proactively reach SMEs and social enterprises. The stakeholder gave the following justification: Procedural safeguards prevent discretionary gatekeeping and make the sandbox accessible to priority-sector innovators.
711. Mr. Erick Mwangi (TerraSept Solutions Ltd) submitted the following proposal: Provide fast-track sandbox entry, extended testing periods, and reduced compliance duties for small innovators addressing food security, climate adaptation, and other national priorities. The stakeholder gave the following justification: Accessible sandboxes can protect community-serving startups during development.
712. Ms. Noelle Atieno (Direct Democracy Africa (DDA)) submitted the following proposal: Create a safe harbour for systems in alpha or beta development and provide compliance credits to local startups that implement worker upskilling programmes. The stakeholder gave the following justification: Early-stage testing and workforce investment should be encouraged rather than criminalised.
713. Mr. Derrick Macharia (Pawanax AI) submitted the following proposal: Create

protected innovation corridors for Kenyan scientists developing foundational models on Kenyan data. The stakeholder gave the following justification: Strategic incubation can accelerate local research while retaining oversight and intellectual property in Kenya.

Clause 30 – Ethical Guidelines

714. Ms. Lyla Latif recommended that environmental sustainability be converted from an ethical guideline into a binding legal obligation, including mandatory disclosure of energy and water usage by AI infrastructure operators, on the basis that voluntary guidelines are insufficient for accountability given the significant environmental impact of AI infrastructure.
715. The Architects Alliance submitted that Clause 30(2) be amended to expand the ethical framework to include built-environment considerations, on the basis that the current provisions do not address spatial justice, environmental design and urban equity.
716. FMC Advocates proposed that environmental sustainability obligations be added, including reporting on energy consumption and carbon footprint in AI data centres, to ensure that AI training, development and deployment is environmentally responsible.
717. The National Intelligence Service (NIS) recommended that guidance be added on autonomy, tool use, impersonation, human control, foundation models and biometric or predictive systems, to ensure regulatory guidance covers these risks.
718. FECoMo submitted that a specific sub-clause be added prohibiting the use of AI for gender-based harassment, surveillance and non-consensual intimate imagery, consistent with Australia's Online Safety Act 2021, on the basis that general "vulnerability" clauses often fail to target non-consensual deepfakes and automated gender harassment.
719. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil society organisations submitted that the ethical guidelines mandate inclusion of local languages in training datasets, on the basis that this would bridge the linguistic gap and prevent cultural erosion in AI-generated content.
720. The Kenya Actors Guild submitted that the ethical guidelines explicitly include occupational safety and health and psychosocial well-being alongside human dignity.
721. KAPI – Industry Alliance of Health Products and Technologies submitted that regulations be introduced to regulate usage, misinformation and identity theft

facilitated by AI, on the basis that such harms require dedicated regulatory attention alongside the Bill's existing ethical guidelines.

722. Microsoft Kenya submitted that ethical guidelines under Clause 30 and Clause 35(1)(f) remain non-binding and principles-based, informing compliance expectations, with enforceable obligations clearly codified in legislation or regulations instead, on the basis that the combined effect of these provisions is to render ethical guidelines quasi-binding, with criminal liability attaching to their breach, notwithstanding that ethical guidelines are by nature non-binding and principles-based.
723. Amnesty International Kenya and the Watoto Watch Network submitted that the clause be amended to require child-specific ethical guidelines developed with children's affairs institutions, in order to ensure child-centred governance.
724. Dr. Andrew Gitau Kimani submitted that the clause be amended to limit adapter impact assessments to deployment context, in order to align obligations with developer control.
725. Mr. Richard Ruoro submitted that the clause be amended to limit adapter impact assessments to deployment context, in order to align obligations with control.
726. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to align ethical guidelines with OECD, UNESCO, AU, EU and recognised industry frameworks, in order to support interoperability.
727. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to remove criminal sanctions for breach of ethical guidelines unless duties are codified, in order to protect legality.
728. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add ethics content on data governance, gender, education, health, child rights, disability, labour, election integrity and cybersecurity, in order to broaden ethical safeguards.
729. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require public, county and affected-community consultation on ethical guidelines, in order to improve participation.
730. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require energy, water, carbon and e-waste disclosures for large-scale and high-risk systems, in order to promote sustainability.

731. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to define vulnerable groups, in order to improve legal certainty.
732. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to make ethical guidelines clear, enforceable, inclusive and aligned with UNESCO principles, in order to strengthen rights protection.
733. The ILINA Program (Mr. Cecil Abungu) submitted that the clause be amended to leave privacy and personal data guidelines to ODPC, in order to avoid mandate overlap.
734. The Kenya Bankers Association (KBA) submitted that the clause be amended to allow entities to follow evolving industry standards and best practices above minimum guidelines, in order to support adaptive compliance.
735. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to ban anti-union surveillance, emotion data collection and excessive off-duty surveillance, in order to protect labour rights.
736. AmCham and KICTANet submitted that the ethical guidelines be kept non-binding unless the obligations are codified in law or regulations, in order to protect legality.
737. Mtoto Newz International Ltd submitted that AI systems that exploit or harmfully manipulate children be prohibited, in order to protect children.
738. Mtoto Newz International Ltd submitted that children be protected from intrusive biometric surveillance, facial recognition, predictive profiling and unlawful monitoring, in order to protect children's privacy.
739. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Require local-language support, culturally relevant datasets, and testing for linguistic, cultural, tribal, and ethnic bias; (b) Require platforms to detect and mitigate AI-driven misinformation, protect democratic processes, disclose content-moderation practices, and comply with enforceable accountability standards. The stakeholder gave the following corresponding justifications: (a) AI systems should reflect indigenous identities and local contexts and avoid systemic exclusion or cultural erasure; (b) Information-integrity obligations are needed to address AI-amplified misinformation and threats to public trust and democratic participation.
740. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Add cultural preservation, contextualisation, local-first development, and accessible and inclusive design to ethical guidelines. The stakeholder gave the following

justification: Kenyan cultural integrity, collective rights, and disability inclusion require express protection.

741. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Make recognised accessibility standards binding within ethical guidelines and require accessibility assessments for high-risk systems; (b) Name disability, age, gender, race, ethnicity, religion, and other protected grounds in anti-bias and anti-exclusion guidelines. The stakeholder gave the following corresponding justifications: (a) Accessibility should operate as a minimum requirement rather than a voluntary aspiration; (b) Explicit protected groups remove ambiguity and align the Bill with constitutional equality duties.
742. Data Labelers Association submitted the following proposal: Include binding psychosocial, mental-health, and occupational-safety standards for AI data work in the ethical guidelines. The stakeholder gave the following justification: Clear standards are needed to protect workers who train and moderate AI systems.
743. Mr. Wahinya Peter (Wahinya Advocates) submitted the following proposal: Require the Office of the Data Protection Commissioner and the Artificial Intelligence Commissioner to publish a joint biometric-AI technical standard within twelve months, covering accuracy thresholds, demographic parity, and data-retention limits. The stakeholder gave the following justification: Joint standards would align AI oversight with existing data-protection requirements and provide measurable safeguards for sensitive biometric systems.
744. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Require disparate-impact testing for consumer credit and insurance AI and provide affected applicants a plain-language explanation and human review. The stakeholder gave the following justification: General anti-bias language is insufficient where automated credit decisions cause immediate financial exclusion.
745. Kenya Healthcare Federation (KHF) submitted the following proposal: Publish simple health-sector checklists addressing clinical purpose, patient data, automation, human review, complaints, local performance, and intended use. The stakeholder gave the following justification: Practical guidance is more usable for hospitals, counties, and startups than complex general manuals.

Clause 31 – Artificial Intelligence Literacy

746. Mtoto Newz International Ltd submitted, in respect of Clause 31(2)(e), that a clause be inserted providing for enhanced safeguards and restricted profiling in respect of children's data, in accordance with Article 16 of the UN Convention on the Rights of the Child and children's right to privacy.

747. FMC Advocates submitted that a structured national curriculum on AI ethics, risks and user rights be introduced, to ensure public awareness.
748. The National Intelligence Service (NIS) proposed that public education include AI agents, deepfakes, biometric AI, fraud and related rights, to promote public awareness of emerging AI harms such as deepfakes.
749. The Raspberry Pi Foundation submitted in support of the Bill's emphasis on national AI literacy, noting that its Experience AI programme, developed with Google DeepMind and the University of Cambridge, has trained over 1,000 Kenyan educators across thirty counties reaching over 170,000 young people, and offered to contribute to the co-design of national AI literacy programmes, particularly through lightweight, offline-capable AI tooling suited to low-resource contexts.
750. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil society organisations submitted that AI literacy programmes be delivered in accessible formats, including braille and sign language, to ensure that digital literacy reaches learners with special needs.
751. The Cereal Growers Association (CGA) submitted that AI literacy be integrated into agricultural extension services and farmer training programmes, in partnership with farmer organisations such as CGA for outreach, on the basis that farmers are among the primary users of AI-enabled solutions but often lack the capacity to fully utilise them.
752. Nexus Tech Policy Advisors Ltd submitted that clear implementation frameworks and partnerships with educational institutions be introduced in respect of the Commissioner's artificial intelligence literacy programmes, on the basis that, while commendable, the provision lacks measurable targets and implementation strategies.
753. Dr. Andrew Gitau Kimani submitted that the clause be amended to include electoral integrity and security in AI literacy programmes, in order to improve public resilience.
754. Mr. Richard Ruoro submitted that the clause be amended to limit adapter recordkeeping to model or API version, dataset description and deployment use, in order to reduce impractical obligations.
755. Mr. Richard Ruoro submitted that the clause be amended to include AI and electoral integrity literacy campaigns in counties, in order to improve voter resilience.
756. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital

Policy Alumni) submitted that the clause be amended to expand AI literacy to schools, TVETs, universities, public servants, judiciary, counties, SMEs, journalists, workers, PWDs and the public, in order to build national capacity.

757. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to provide tiered AI literacy for creators and consumers, in order to build public capacity.
758. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to require offline-first and localised AI literacy using Swahili and mother-tongue LLMs, in order to improve access.
759. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to create a national AI literacy partnership with accredited EdTech partners and sub-county hubs, in order to build capacity.
760. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to require AI microcredentials and pre-service teacher training integration, in order to build teacher capacity.
761. The Kenya Bankers Association (KBA) submitted that the clause be amended to partner with private sector organisations for AI literacy, in order to build capacity.
762. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to provide structured AI education for policymakers, regulators and implementers, in order to build institutional capacity.
763. Mtoto Newz International Ltd submitted that age-appropriate AI literacy and digital safety programmes be required for children and learners, in order to support safe child participation.
764. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Develop a national AI education strategy integrating technical skills, governance, and ethics into schools and universities; extend access to rural communities and indigenous languages; and support educators, professionals, research programmes, and train-the-trainer initiatives through subsidised or free public programmes; (b) Mandate continuous AI and emerging-technology training for regulators, public officials, judges, legal practitioners, court personnel, and policymakers, including AI-specific evidentiary standards. The stakeholder gave the following corresponding justifications: (a) Long-term domestic capacity requires broad and locally accessible education that reduces brain drain and dependence on external expertise; (b) Institutional and judicial readiness is necessary for sound regulatory decisions, legislative drafting, evidence assessment, and adjudication of AI

disputes.

765. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Integrate sustained AI literacy into formal curricula at all levels. The stakeholder gave the following justification: Formal education creates an AI-ready workforce more effectively than isolated campaigns or workshops.
766. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Deliver AI literacy in accessible formats, consult disability organisations on programme design, and allocate a defined share of the Office's budget to literacy. The stakeholder gave the following justification: Accessible and disability-led delivery is necessary for equal participation.
767. Data Labelers Association submitted the following proposal: Include data labelers, content moderators, and other AI supply-chain workers in AI literacy, wellbeing, and reskilling programmes. The stakeholder gave the following justification: These workers are essential to AI development and should benefit from transition and capacity-building measures.
768. Mr. Patrick Miringu submitted the following proposal: Integrate AI ethics and development into the national curriculum and train the judiciary and public sector on AI disputes and implementation. The stakeholder gave the following justification: Technical capacity is necessary for effective governance and adjudication.
769. Ms. Hannah Maina submitted the following proposal: Promote inclusive access, capacity building, and digital literacy for rural communities, youth, women, and marginalised groups. The stakeholder gave the following justification: Deliberate inclusion is necessary to prevent AI from widening existing inequality.
770. Bunge Mashinani School of Governance submitted the following proposal: Mandate AI talent programmes, university partnerships, and skills-development support. The stakeholder gave the following justification: Sustainable AI growth depends on domestic human capital.
771. Kenya Healthcare Federation (KHF) submitted the following proposal: Train health workers and county managers on useful, unsafe, and reviewable AI applications. The stakeholder gave the following justification: Practical literacy supports safe adoption instead of deterring all use.
772. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Mandate judicial training and practice directions on AI-generated evidence, including disclosure, reliability, and admissibility. The stakeholder gave the following justification:

Courts need technical capacity to evaluate synthetic and AI-assisted evidence fairly.

- 773. Mr. Ian Limo Chirchir submitted the following proposal: Provide grants and technical support to creators using AI for informative and educational content. The stakeholder gave the following justification: Creative-sector support can expand beneficial uses and economic participation.
- 774. Ms. Susan Gatura (Phoenix KE Analytics) submitted the following proposal: Recognise and support community-led and independent AI literacy and talent programmes, incentivise partnerships with grassroots training organisations, and set measurable local-skills targets. The stakeholder gave the following justification: Kenya's domestic talent pipeline depends on existing community ecosystems that are absent from the Bill.
- 775. Raspberry Pi Foundation submitted the following proposal: Develop practical, age-appropriate national AI literacy programmes that build critical thinking, creativity, and understanding of bias, data, decision-making, and ethics. The stakeholder gave the following justification: AI literacy should move beyond awareness to evidence-based learning that equips young people to use AI responsibly.
- 776. Ms. Fridah Nduta submitted the following proposal: Prioritise education and public awareness before punitive enforcement. The stakeholder gave the following justification: AI literacy can improve compliance and participation without creating fear.

Clause 32 – Human-Centric Artificial Intelligence

- 777. Institution of Engineers of Kenya (IEK) submitted, in respect of Clause 32(a), that the clause be amended to read “design or deploy the system in a manner that enhances human capabilities” instead of “enhances rather than replaces human capabilities”, on the basis that the clause as drafted may limit innovation and stifle human enhancement of AI capabilities.
- 778. The National Intelligence Service (NIS) recommended that meaningful human control be required over high-impact agentic AI actions, to ensure that such decisions remain subject to oversight and to prevent unchecked autonomous action.
- 779. Uber submitted that Clause 32(1)(a) be deleted, on the basis that it is impractical given that some AI automation legitimately replaces, rather than merely enhances, human capabilities.

780. Uber also recommended that the term “critical decisions” in Clause 32(1)(c) be defined, on the basis that its impact is difficult to assess without a clear definition.
781. Mr. Arnold Oginga proposed that the clause be harmonised with Section 35 of the Data Protection Act, which already provides for automated individual decision-making.
782. Google submitted that “critical decisions” requiring human oversight be precisely defined as automated decisions that directly and materially affect an individual’s legal rights, physical safety or material financial interests, and that adherence to internationally recognised AI governance frameworks serve as valid evidence of compliance, on the basis that mandating human intervention for every automated decision is unworkable at scale.
783. COTU (K) submitted that human oversight be strengthened by requiring that the “qualified person” be independent of the deployer, possess authority to override AI decisions, be accountable for decisions made and have access to real-time intervention mechanisms in high-speed work environments.
784. The Kenya Actors Guild submitted, in similar terms, that “qualified person” be defined to include minimum competencies, independence from the deployer, authority to override AI outputs and accountability obligations, on the basis that the term as drafted risks producing a symbolic rather than effective human-in-the-loop safeguard.
785. Thomas Louis Advocates submitted that Clause 32(1)(a) be reframed so that AI systems must not eliminate human involvement in decisions directly determining a person’s legal rights, physical safety or access to essential services, with explicit carve-outs for operational automation, AI-assisted drafting and productivity tools, and that the Cabinet Secretary publish sector-specific human-oversight guidelines for healthcare, finance, legal services and public administration within six months of commencement, on the basis that “human capabilities” is undefined and could be applied against any AI deployment that reduces human labour.
786. Walukhu and Company Advocates submitted that any introduction of AI-assisted bail, sentencing, parole or judicial decision-support tools be expressly prohibited from constituting binding determinations, subject to a mandatory judicial override requirement and a statutory obligation to disclose to the accused that an AI tool was used in any proceeding affecting them.
787. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to exempt automated B2B processes with no material legal or civic impact from mandatory human oversight, in order to ensure proportionality.

788. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to limit human oversight duties to high-stakes decisions and define critical decision, in order to ensure proportionality.
789. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require meaningful human oversight for rights-sensitive and safety-critical decisions, in order to protect affected persons.
790. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to correct the cross-reference in Clause 32(2), in order to correct drafting.
791. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to list critical decisions in the Act, in order to improve legal certainty.
792. Dr. Moses M. Thiga submitted that the clause be amended to replace enhance rather than replace with meaningful human control in high-risk decisions, in order to improve enforceability.
793. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to remove replace human capability, in order to improve drafting clarity.
794. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to include legal persons in human-centric AI obligations, in order to clarify scope.
795. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to require human final decisions for discipline, final grades and admissions, in order to protect learners.
796. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to require licensed clinicians to review healthcare-related AI decisions, in order to ensure meaningful oversight.
797. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to recognise patient narratives as sensitive health information requiring contextual integrity, in order to protect patient dignity.
798. Ms. Frashia Karanja and Dr. Naomi Nyakinyua submitted that the clause be amended to require interpretive review mechanisms and safeguards against automated misinterpretation of qualitative patient inputs, in order to protect clinical accuracy.
799. The AI in Health Kenya Community of Practice (AIH-Ke CoP), through the Pan

- African Health Informatics Association (HELINA) submitted that the clause be amended to contextualise human oversight duties to Kenya's health infrastructure, in order to make oversight feasible.
800. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to create registered availability windows, right to disconnect and whistleblower override, in order to protect workers.
801. AmCham and KICTANet submitted that "critical decisions" be defined and international frameworks be recognised as evidence of compliance, in order to improve clarity.
802. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Require accessibility assessment and compatibility with assistive technologies as part of human-centric AI design; (b) Define enhancement of human capabilities by reference to productivity, safety, decision quality, meaningful understanding, intervention, and override. The stakeholder gave the following corresponding justifications: (a) Accessibility must be treated as a core design obligation; (b) Objective criteria make the human-centric obligation enforceable.
803. Kenya Healthcare Federation (KHF) submitted the following proposal: Define a qualified health overseer as a licensed professional competent in the relevant clinical domain and record override decisions in the patient's medical record. The stakeholder gave the following justification: Non-clinical staff should not discharge patient-safety oversight.
804. Mr. Gerald Kiti submitted the following related proposals: (a) Require human review by a competent person with authority to change outcomes, delivered within an accessible and timely process; (b) Preserve all professional obligations and full professional accountability where legal, medical, financial, or other regulated services use AI. The stakeholder gave the following corresponding justifications: (a) Human-in-the-loop safeguards should not become symbolic rubber-stamping; (b) AI use should not dilute existing standards of care or professional integrity.
805. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Prohibit a clinical decision affecting a patient's treatment pathway from being made solely on an AI output and require documented review by a qualified clinician. The stakeholder gave the following justification: High operational pressure must not allow automated diagnostic, treatment, or insurance outputs to displace accountable clinical judgment.
806. Mr. Russel Crowe submitted the following proposal: Make minimum human oversight for high-risk systems immediately enforceable through a responsible

officer, escalation pathway, decision records, and a 180-day deadline for supporting regulations. The stakeholder gave the following justification: The present human-centric provision lacks an operative standard, mechanism, and consequence.

Clause 33 – Workforce Impact Obligations

807. The Architects Alliance recommended that a new subsection be inserted introducing sector-specific reskilling and continuing professional development programmes for built-environment professionals, on the basis that the workforce provisions as drafted are too general and do not address disruption in the architecture, design and construction sectors.
808. The National Intelligence Service (NIS) submitted that workflow-level assessment be required for agentic AI and algorithmic management, to ensure that risk is evaluated not only in the model itself but also in how the AI is deployed.
809. UNICEF proposed that the clause mandate age-appropriate transparency and disclosure of AI use in schools, bias testing for AI tutors in local languages, the insertion of the “Best Interests of the Child” as the anchor for human-centric AI development, and explicit restrictions on AI-enabled child surveillance, profiling of learners and automated decisions affecting children, to protect child welfare and prevent linguistic exclusion.
810. Google submitted that Clause 33 be deleted in its entirety to preserve technological neutrality, on the basis that it singles out AI while ignoring other labour-displacing automation, and recommended that workforce transition instead be addressed through public-private workforce education funds.
811. COTU (K) submitted, by contrast, that workforce impact assessments be made mandatory, independent and participatory for all AI systems affecting work, with consultation of affected workers and trade unions and review by the Commissioner, and that a National AI Workforce Transition and Reskilling Fund be established, financed jointly by government and AI-deploying firms, on the basis that the current provisions are procedural and unenforceable.
812. The Kenya Actors Guild submitted, in similar terms, that Clause 33(1)(a) be amended to apply to AI systems “that affect work or workers” rather than systems “likely to impact employment”, and that workforce impact assessments demonstrate compliance with the Employment Act, the Occupational Safety and Health Act, the Data Protection Act and the Constitution, and be filed with and reviewed by the Commissioner.
813. Qhala, Mtoto News, the Differently Talented Society of Kenya and affiliated civil

- society organisations submitted that a percentage of AI provider fees be ring-fenced for a national reskilling fund, on the basis that this would mitigate the socio-economic risk of job displacement in the creative and service sectors.
814. Thomas Louis Advocates submitted that the Commissioner be required to publish, within twelve months, guidelines prescribing the minimum content of a workforce impact assessment, including identification of affected roles, displacement timelines, reskilling requirements and an employee-engagement process, with assessments submitted to the Commissioner prior to deployment and disclosed in summary form, benchmarked against international programmes such as Singapore’s SkillsFuture initiative, on the basis that the obligation as drafted is an unverifiable compliance checkbox.
815. Lawyers Hub submitted that, whatever institutional architecture the Committee adopts, the workforce impact assessment in Clause 33 be preserved as the most sophisticated AI labour protection in any comparable AI law and, under its proposed omnibus approach, be relocated into the Employment Act, 2007 for enforcement by the Ministry of Labour, extending its reach to platform workers in ride-hailing and delivery services.
816. The Cereal Growers Association (CGA) submitted that the workforce impact provisions be expanded to address agricultural labour displacement and rural youth reskilling arising from AI adoption and mechanisation, and recommended that the Bill promote programmes supporting skills transition in the agricultural sector, on the basis that a proactive approach will ensure AI adoption creates jobs rather than exacerbating unemployment.
817. Microsoft Kenya submitted that the Bill include a definition of “material workforce impact” triggered at the deployer level, or alternatively require the Cabinet Secretary to define the term through regulations guided by criteria including whether AI is used for the recruitment, evaluation or management of employees, the scale of affected roles relative to the total workforce, the nature of displaced work, geographic concentration and the availability of alternative employment, and submitted that job displacement and labour-market transition could alternatively be addressed under the Employment Act, on the basis that the current provision does not define “likely to impact employment” or the threshold for triggering obligations, creating uncertainty that may discourage investment and innovation, and that imposing the assessment obligation on providers rather than deployers may impose liability on technology vendors for employment decisions made by their customers.
818. Nexus Tech Policy Advisors Ltd submitted that the workforce impact provision

be linked to national skills frameworks, with clear implementation pathways introduced, on the basis that the clause recognises workforce implications but lacks implementation mechanisms, including institutional responsibility and funding structures.

819. Mr. Patrick Mainah submitted that the clause be amended to limit workforce impact obligations to large-scale deployments, in order to ensure proportionality.
820. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to replace corporate reskilling liability with workforce-shift reporting for state-funded training policy, in order to clarify responsibility.
821. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to insert AI supply-chain labour protections for data annotation, labelling and content moderation, in order to protect workers.
822. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to specify minimum workforce impact assessment contents and consultation requirements, in order to protect workers.
823. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to delete Clause 33, in order to avoid disproportionate workforce obligations.
824. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to correct the arrangement and define likely to impact employment, in order to improve drafting.
825. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require worker and trade union consultation, reskilling and labour-transition reports, in order to protect workers.
826. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add guidelines on financing, skills partnerships, TVET, youth, gender and counties, in order to support workforce transition.
827. Human Squared Health and Clover Care (Ms. Sabrina Muchiri) submitted that the clause be amended to apply workforce assessments only above defined headcount or affected-worker thresholds, in order to ensure proportionality.
828. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to use a shared responsibility model for reskilling among government, providers and institutions, in order to support workforce transition.
829. The Kenya Bankers Association (KBA) submitted that the clause be amended to

- set a materiality threshold for workforce impact assessments, in order to ensure proportionality.
830. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to create a dual workforce impact and algorithmic impact assessment framework, in order to strengthen labour protection.
 831. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to replace artificial system with artificial intelligence system, in order to correct drafting.
 832. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add detailed public-sector AI requirements including impact assessment, register, human review, reasons and auditability, in order to strengthen public accountability.
 833. AmCham and KICTANet submitted that Clause 33 be deleted, or workforce impact duties be confined to material deployer-level impacts, in order to ensure proportionality.
 834. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Require workforce impact assessments, retraining programmes, and social-protection measures so that AI augments rather than replaces labour and affected workers receive transition support. The stakeholder gave the following justification: Economic-risk mitigation is needed to manage displacement and preserve meaningful human oversight and equitable labour-market transitions.
 835. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Define measurable workforce-impact thresholds based on redundancies, workforce percentage, or material job-function changes; (b) Require workforce assessments to identify disproportionate effects on employees with disabilities and provide accessible reskilling, accommodation, and redeployment. The stakeholder gave the following corresponding justifications: (a) Clear thresholds prevent both over-compliance and avoidance; (b) Automation may affect employees with disabilities disproportionately.
 836. Data Labelers Association submitted the following proposal: Expressly protect freedom of association and fair labour conditions for AI data workers. The stakeholder gave the following justification: Supply-chain labour should not fall outside workforce protections merely because it is task-based or platform-mediated.
 837. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Require

a sector-wide workforce transition plan where cumulative AI deployment is projected to affect more than ten per cent of employment in a regulated sector. The stakeholder gave the following justification: Firm-level assessments may miss structural displacement across an entire industry.

838. Mr. Keith Kimani Njunge submitted the following proposal: Specify whether government or private-sector deployers bear the cost of mandatory workforce reskilling programmes. The stakeholder gave the following justification: Clear cost allocation is needed to keep AI adoption affordable and workforce obligations workable.
839. FinServe Africa Limited submitted the following proposal: Apply workforce-impact assessments only where AI is likely to cause material workforce displacement, using thresholds proportionate to the expected risk and impact. The stakeholder gave the following justification: A materiality threshold would avoid unnecessary assessments for minor automation while retaining scrutiny of substantial employment effects.
840. Bloggers Association of Kenya (BAKE) submitted the following proposal: Protect data annotators, content moderators, and platform workers through fair-pay and mental-health safeguards. The stakeholder gave the following justification: The digital workers who train global AI systems are absent from the workforce framework.
841. Kenya Healthcare Federation (KHF) submitted the following proposal: Require workforce assessments only where AI is likely to materially affect jobs, professional roles, or workforce deployment. The stakeholder gave the following justification: Simple tools should not face the same workforce process as national automation platforms.
842. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Treat recruitment, performance monitoring, disciplinary action, and redundancy selection using AI as high-risk employment uses; require disclosure and human review, and mandate labour guidance developed with worker and employer representatives. The stakeholder gave the following justification: Algorithmic management can determine employment outcomes without transparency and may reproduce discrimination or undermine fair-termination protections.
843. SunCulture Kenya Limited submitted the following proposal: Limit workforce impact assessments to systems primarily intended to automate identified roles or projected to cause a material net workforce reduction, and exclude ordinary productivity tools and very small organisations. The stakeholder gave the following justification: The phrase 'likely to impact employment' may capture

almost every internal productivity tool.

Clause 34 – Use of Artificial Intelligence in the Public Sector

844. Ms. Lyla Latif (Committee on Fiscal Studies) recommended that all public entities be required to publish registers of AI systems in use and to conduct impact assessments prior to deployment, to ensure transparency, accountability and oversight in the use of AI in public decision-making.
845. FMC Advocates submitted that judicial oversight be required for biometric surveillance and facial recognition technologies in law enforcement and public spaces, to protect civil liberties and fundamental rights.
846. Lawyers Hub submitted that, under its proposed omnibus approach, a pre-deployment human-rights impact assessment be required for government AI procurement above five million shillings under the Public Procurement and Asset Disposal Act, 2015, audited by the Auditor-General, on the basis that this would extend public-sector AI oversight to systems such as eCitizen, Huduma, eTIMS and KRA risk-scoring without creating a new enforcement layer.
847. The Cereal Growers Association (CGA) submitted that AI systems used in subsidy allocation, extension services and market information systems be transparent, auditable and accessible to farmers, on the basis that public-sector AI decisions in agriculture have direct implications on farmer livelihoods and must be accountable.
848. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to insert public procurement safeguards for audit rights, documentation, cybersecurity, explainability and vendor accountability, in order to improve public procurement.
849. The KenSafeSpace Coalition submitted that the clause be amended to ban mass surveillance, social scoring and general biometric monitoring except under lawful oversight, in order to protect privacy and democracy.
850. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Develop a national AI security framework governing defence, surveillance, and intelligence applications, with appropriate oversight and safeguards. The stakeholder gave the following justification: Public-sector and national-security AI uses require clear controls that address high-impact risks while preserving accountability.
851. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Give existing public-sector AI systems twenty-four months to comply, with one

justified extension of up to twelve months. The stakeholder gave the following justification: A transition period recognises legacy systems and practical public-sector constraints.

852. Kenya Healthcare Federation (KHF) submitted the following proposal: Develop county health compliance guidance, transition support, and a county AI capacity-building fund with the Council of Governors and Ministry of Health. The stakeholder gave the following justification: Counties need resources and timelines to comply with systems they may have inherited.
853. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Require pre-procurement impact assessments, public audit clauses, source-code escrow where appropriate, clear vendor liability, and stronger transparency for public AI procurement; (b) Provide county-specific capacity programmes, differentiated compliance timelines, and ring-fenced national funding according to each county's technical capacity. The stakeholder gave the following corresponding justifications: (a) Public entities should not deflect accountability for system failures to private vendors; (b) Counties require equitable support rather than uniform deadlines.
854. Mr. Russel Crowe submitted the following proposal: Replace the general public-sector clause with mandatory algorithmic impact assessments, published summaries, human review of adverse decisions, annual registers, and prior oversight of electoral AI. The stakeholder gave the following justification: State AI may affect rights and public resources at scale but currently receives only a general compliance sentence.
855. Mr. Ian Limo Chirchir submitted the following proposal: Require public participation and published findings before AI is deployed in key government services and require explicit notice when citizens interact with such systems. The stakeholder gave the following justification: Citizens should participate in and understand algorithms used in health, education, elections, and public benefits.
856. Mr. Raphael Ngigi submitted the following proposal: Support responsible use of AI in law enforcement and traffic management, subject to consistent and reviewable decision-making. The stakeholder gave the following justification: Automated systems may improve public integrity and reduce inconsistent enforcement.
857. SunCulture Kenya Limited submitted the following proposal: Allocate public-private AI liability to the party controlling design, training, and operational parameters; require compliance warranties in procurement contracts; and allow counties twenty-four months to regularise existing contracts. The stakeholder gave

the following justification: Clear responsibility is necessary to avoid chilling AI partnerships in agriculture, health, water, and education.

Clause 35 – Offences and Penalties

- 858. Mr. Robinson Macharia submitted, in respect of Clause 35(2), that the criminal penalties of five million shillings and two years' imprisonment be amended, on the basis that they are disproportionate, punish technical impossibility rather than bad intent, and create a chilling effect on entrepreneurship.
- 859. Mr. Wilson Rading proposed that the maximum fine of five million shillings be removed and replaced with turnover-based penalties of up to four per cent of global annual revenue, on the basis that a fine of five million shillings is negligible to large firms and corporations.
- 860. Mr. Wilson Rading further submitted, in respect of Clause 35(1)(i), that satire, parody, art, journalism and fictional content be carved out from the synthetic media rules, subject to a labelling requirement, on the basis that the rules as drafted chill legitimate creative AI applications.
- 861. Ms. Lyla Latif recommended that a civil liability framework be introduced, providing a statutory cause of action for individuals harmed by AI systems, including a reversed burden of proof in high-risk cases, on the basis that criminal penalties alone are insufficient, as most AI-related harms are civil in nature and currently lack remedies.
- 862. Ms. Pauline Ndung'u submitted that the five-million-shilling fine be removed in respect of startups, on the basis that it is harsh and discourages AI invention.
- 863. Mr. Kenneth Githui proposed that the clause distinguish between fines applicable to large-scale and small-scale AI developers, on the basis that the current uncertainty discourages innovation and creates a chilling effect on the Kenyan technology ecosystem.
- 864. Mr. Adrian Omuoso recommended that the five-million-shilling fine for early-stage startups be removed and replaced with a graduated penalty regime, beginning with written warnings for administrative oversights and scaling financial penalties based on a percentage of the entity's annual turnover, on the basis that the current fine is disproportionate for early-stage startups and could lead to business closures.
- 865. Ideate Tech Policy Africa (ITPA) submitted that Clause 35(1)(i) be deleted entirely, on the basis that it is vague and overbroad, and threatens freedom of speech and expression, noting that the Constitution already provides adequate

safeguards under Articles 33 and 35, making the clause prone to misuse by law enforcement to curtail free expression.

866. FMC Advocates proposed that whistleblower protection provisions, reporting channels and anti-retaliation safeguards be introduced, to encourage reporting of non-compliance and strengthen enforcement, and additionally recommended that explicit civil liability provisions, administrative fines linked to a percentage of global annual turnover, and a distinction between intentional misconduct and technical or procedural non-compliance, be introduced, to strengthen access to justice, enhance deterrence and ensure proportionality.
867. The Office of the Data Protection Commissioner (ODPC) submitted that the clause be deleted, on the basis that it is vague and limits freedom of speech and expression.
868. Safaricom Plc recommended that the clause be reviewed as offences therein criminalise compliance failures in a regulatory area where standards, definitions and technical expectations remain globally unsettled, further noting that the clause imposes criminal sanctions for obligations that are too broadly drafted.
869. Google submitted that criminal liability require proof of actual knowledge and wilful facilitation, that corporate officers not be held personally liable where the entity operated a good-faith compliance programme, that platform intermediaries benefit from a safe-harbour provision absent actual knowledge of a violation, and that a twenty-four-month transition period be granted for AI systems already in commercial service, on the basis that immediate criminal exposure for pre-existing, immutable foundational models is physically impossible to retrofit.
870. FECoMo submitted that the Commissioner deploy, within the AI Exchange, an automated detection and alert system for prohibited practices such as unauthorised deepfakes and social scoring, subject to human review before enforcement, and that penalties be turnover-based and tiered by severity rather than capped at five million shillings, on the basis that a flat fine does not deter large multinationals and provides no proactive detection capability.
871. COTU (K) submitted that joint and several liability be introduced for both AI providers and deployers, on the basis that employers and vendors otherwise blame each other for harm, leaving workers without a clear avenue for redress.
872. The Kenya Actors Guild submitted, in similar terms, that provider liability be increased commensurate with control over system design and behaviour, with jurisdictional hooks for cross-border providers, and that confidentiality provisions under Clauses 16 and 35 be narrowed to prevent their use to shield worker harm from scrutiny.

873. Lawyers Hub submitted that penalties be calibrated to the size of the actor through turnover-based fines, that an AI Harm Compensation Fund be established with a rebuttable presumption of causation modelled on Brazil's AI Bill, and that general-purpose AI models be subject to a registration requirement administered by the Data Protection Commissioner, with foreign providers required to designate a Kenyan authorised representative, on the basis that the current flat fine of five million shillings is immaterial to dominant foreign providers such as OpenAI, Google and Meta who supply the majority of AI systems used in Kenya.
874. Lawyers Hub further submitted that the deepfake offence under Clause 35(1)(i) be relocated to the Penal Code with explicit exemptions for satire, parody, journalism and academic research, requiring the consent of the Director of Public Prosecutions before any prosecution, on the basis that the offence as drafted risks chilling legitimate expression protected under Articles 24 and 33 of the Constitution.
875. Thomas Louis Advocates submitted that an administrative penalty of up to four per cent of an offending entity's global annual turnover be introduced for serious violations, applicable to foreign entities whose AI systems produce outputs affecting persons in Kenya, and that any foreign provider used by more than ten thousand persons in Kenya, or deployed in a high-risk sector, be required to appoint a Kenya-based representative, on the basis that the flat five-million-shilling fine is operationally irrelevant to dominant global providers.
876. Walukhu and Company Advocates submitted, in similar terms, that a dedicated Civil Liability Part be inserted establishing a statutory cause of action for AI-caused harm with a presumption of causation rebuttable by the developer or deployer, a burden-shifting framework placing the evidential burden on the entity with access to the system's internal logic, a class-action mechanism for systemic algorithmic harm, and a compensation fund for harms caused by insolvent AI operators, on the basis that the Bill's reliance on criminal penalties leaves civil liability to general tort principles not designed for algorithmic injury, denying Kenyans an effective remedy.
877. Walukhu and Company Advocates further submitted that Part II be amended to incorporate a mandatory local-representative requirement modelled on Article 27 of the GDPR, requiring any foreign developer or deployer offering AI services to Kenyan residents to appoint a registered Kenyan entity as its local representative, jointly and severally liable for regulatory compliance, with registration in the AI register a precondition for service in Kenya, on the basis that the Bill's purported extraterritorial application contains no mechanism to compel compliance, creating

an asymmetry that burdens domestic developers while leaving large foreign platforms effectively ungoverned.

878. Walukhu and Company Advocates additionally submitted that the penalty regime be restructured to impose fines of up to four per cent of annual global turnover on multinationals, a graduated scale capped at KES 500,000 for first offences by Kenyan-registered small and medium enterprises with a mandatory compliance-assistance period before enforcement, and decriminalisation of deployment offences, retaining criminal liability only for intentional harmful deepfakes, unauthorised biometric surveillance and wilful data falsification, on the basis that the flat KES 5 million fine is immaterial to multinationals but potentially company-ending for local startups.
879. Walukhu and Company Advocates submitted that a dedicated AI Electoral Integrity Part be inserted addressing algorithmic micro-targeting, synthetic voter profiling and AI-generated disinformation at scale, in coordination with the Independent Electoral and Boundaries Commission and the Media Council of Kenya, on the basis that the Bill's deepfake provisions are a necessary but insufficient response to AI-enabled electoral manipulation.
880. Walukhu and Company Advocates further submitted, in similar terms to FMC Advocates, that explicit whistleblower protections be established for individuals within AI companies and public-sector bodies who report AI misuse, aligned with but distinct from Kenya's existing whistleblower framework, on the basis that such individuals are among Kenya's most valuable regulatory resources for detecting non-compliance.
881. Microsoft Kenya submitted that the Bill rely primarily on administrative, proportionate and risk-based penalties, reserving criminal liability for intentional or egregious harm, on the basis that overreliance on criminal liability for compliance failures introduces disproportionate risk for investors and deters AI deployment, innovation and market entry in an already uncertain regulatory environment, consistent with international best practice under the European Union's AI Act and the OECD.
882. The Institute of Certified Secretaries (ICS) submitted that the clause be amended to define "due diligence" to include compliance systems, risk assessments, training and internal audits, on the basis that the clause extends liability to directors where due diligence is not exercised without defining the term, and that effective governance frameworks prioritise preventive compliance over punitive enforcement, such that clarifying accountability and due diligence obligations would align with fiduciary duties and strengthen corporate governance.

883. NTT DATA submitted that new subsections be inserted immediately after Clause 35(1) requiring the Commissioner, in determining whether to institute criminal proceedings or impose penalties, to have regard to the nature, gravity and duration of the contravention, whether it was intentional, reckless or negligent, any steps taken to mitigate or remedy the contravention, and any prior breach of the Act, and further providing that, where a contravention is minor, non-material or capable of remedy, the Commissioner may issue a compliance or remediation notice requiring corrective action within a specified period, with proceedings instituted only where a person fails to comply with such a notice, on the basis that graduated penalties and remedial compliance periods for first-time or non-material breaches encourage compliance and innovation rather than punitive deterrence.
884. Nexus Tech Policy Advisors Ltd submitted that a tiered penalty framework aligned with risk classification and severity be introduced, together with an SME penalty cap, an express exemption for general-purpose AI model providers with systemic risk, and a proportionality mechanism scaling penalties to the size and revenue of the actor with an SME carve-out protecting smaller local innovators, on the basis that the current flat penalty ceiling under Clause 35(2) is manageable for large foreign providers but potentially devastating for a small Kenyan startup, and does not align penalties with risk categories or the severity of violations.
885. Ms. Blessed Maria N.N. submitted that the clause be amended to remove or recalibrate disproportionate criminal penalties, in order to promote proportional enforcement.
886. Dr. Andrew Gitau Kimani submitted that the clause be amended to replace flat penalties with tiered penalties based on entity size or revenue, in order to ensure proportional enforcement.
887. Dr. Andrew Gitau Kimani submitted that the clause be amended to reserve criminal sanctions for aggravated or intentional misconduct, in order to prevent chilling innovation.
888. Dr. Andrew Gitau Kimani submitted that the clause be amended to require 24-hour platform takedown of harmful synthetic media with escalating fines, in order to enable timely harm mitigation.
889. Dr. Andrew Gitau Kimani submitted that the clause be amended to provide satire and parody exemptions for synthetic media, in order to protect lawful expression.
890. Dr. Andrew Gitau Kimani submitted that the clause be amended to require conspicuous labelling or watermarking of AI-generated content, in order to improve transparency.

891. Mr. Patrick Mainah submitted that the clause be amended to introduce tiered penalties based on annual turnover, in order to ensure proportional enforcement.
892. Mr. Patrick Mainah submitted that the clause be amended to apply warning-first enforcement and protect good-faith individuals, in order to prevent chilling innovation.
893. Mr. Richard Ruoro submitted that the clause be amended to replace flat penalties with a five-tier penalty schedule and CPI indexation, in order to ensure proportional enforcement.
894. Mr. Richard Ruoro submitted that the clause be amended to limit criminal liability to deliberate falsification, prohibited use after cease order or wilful obstruction, in order to prevent over-criminalisation.
895. Mr. Richard Ruoro submitted that the clause be amended to create an offence for electoral harm through synthetic media distribution, in order to protect elections.
896. Mr. Richard Ruoro submitted that the clause be amended to require 24-hour platform takedown with daily fines, in order to enable rapid harm mitigation.
897. Mr. Richard Ruoro submitted that the clause be amended to require monthly synthetic media reports from large platforms during election periods, in order to enhance transparency.
898. Mr. Richard Ruoro submitted that the clause be amended to create satire, parody and artistic commentary exemptions, in order to protect expression.
899. The Outsourcing Alliance of Kenya (OAK) submitted that the clause be amended to limit directors' criminal liability to proven malicious intent or gross negligence, in order to prevent over-criminalisation.
900. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to replace criminal penalties for ordinary compliance failures with warnings, orders and turnover-based fines, in order to ensure proportional enforcement.
901. The AI Skills and Compute Africa Foundation (AISCA) submitted that the clause be amended to correct penalty cross-references, in order to improve drafting accuracy.
902. Mr. Allan Mulama (Allan Mulama Advocates) submitted that the clause be amended to set fines at not less than KSh 5 million and not more than four percent of global turnover, in order to ensure deterrence.
903. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to adopt tiered penalties for SMEs, large enterprises and multinationals, in order to ensure proportional enforcement.

904. BBC Media Action submitted that the clause be amended to add necessity, proportionality, intent, harm and public interest safeguards for synthetic media enforcement, in order to protect expression.
905. BBC Media Action submitted that the clause be amended to define likely to cause harm and misinformation narrowly, in order to improve legal certainty.
906. BBC Media Action submitted that the clause be amended to adopt tiered and proportionate enforcement with guidance for startups and SMEs, in order to support innovation.
907. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to introduce graduated enforcement, due diligence defences and MSME thresholds, in order to ensure proportional enforcement.
908. Coulson Harney LLP (Bowmans Kenya) submitted that the clause be amended to remove the ethical-guideline offence and add intermediary safe harbour, in order to protect legality and innovation.
909. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to limit criminal offences to clearly defined prohibited conduct with mens rea, notice, transition and appeal, in order to protect legality.
910. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to treat non-disclosure as administrative first and criminal only for intentional, reckless, repeated or material concealment, in order to ensure proportional enforcement.
911. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to delete the ethical-guidelines offence or replace it with material rights-violation conduct, in order to protect legality.
912. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to replace prejudice to public benefit with material adverse effect on rights, entitlement, services, safety or livelihood, in order to improve certainty.
913. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to narrow synthetic media offences and include public interest, journalism, satire, parody, art, research and education exceptions, in order to protect expression.
914. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to add due diligence

defences and limit officer liability to persons with control, in order to protect good-faith officers.

915. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to correct Clause 35 cross-references, in order to improve drafting accuracy.
916. Dr. Moses M. Thiga submitted that the clause be amended to set penalties at KSh 5 million or five percent of annual turnover for large providers, in order to ensure deterrence.
917. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to align Clause 35 with Clause 25, in order to improve consistency.
918. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to lower penalties below KSh 1 million or use an SME revenue-percentage model, in order to ensure proportionality.
919. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to limit criminal liability to intentional harmful conduct and use administrative remedies first, in order to prevent over-criminalisation.
920. The Data Privacy and Governance Society of Kenya (DPGSK) submitted that the clause be amended to fix cross-references and insert public-interest, journalism, satire and research defences, in order to protect legality and expression.
921. Mr. Onesmus Mbila Musyoka submitted that the clause be amended to introduce turnover-tiered penalties, MSME caps and good-faith safe harbours, in order to ensure proportional enforcement.
922. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to apply offences and penalties to foreign technology companies affecting Kenyans, in order to close enforcement gaps.
923. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to define biometric and personal data by reference to the Data Protection Act, in order to improve consistency.
924. Human Squared Health and Clover Care (Ms. Sabrina Muchiri) submitted that the clause be amended to use notices and remediation for first-instance SME non-compliance and provide at least twelve months' transition, in order to support compliance.
925. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to adopt tiered penalties for SMEs, large enterprises and multinationals with disgorgement, in order to ensure proportional enforcement.

926. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) submitted that the clause be amended to delete regulatory exceptions to unacceptable-risk systems, in order to protect rights.
927. The ILINA Program (Mr. Cecil Abungu) submitted that the clause be amended to narrow criminal liability to serious AI misuse only, in order to prevent over-criminalisation.
928. The Joint Submission of Education Stakeholders (EdTech East Africa) submitted that the clause be amended to create safe harbour, tiered fines and cure periods for schools and startups, in order to support education innovation.
929. The Kenya Bankers Association (KBA) submitted that the clause be amended to adopt graduated enforcement and reserve criminal sanctions for intentional, fraudulent, reckless or repeated harmful conduct, in order to ensure proportional enforcement.
930. Mr. Robin Munene Nyaga (Ecardex Systems Limited) submitted that the clause be amended to decriminalise startup compliance gaps and apply capped civil penalties with remediation periods, in order to prevent chilling innovation.
931. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to criminalise deployment of AI systems for public social scoring, in order to protect rights.
932. Dr. James Wathigo (Pharmaceutical Society of Kenya, Nairobi Branch) submitted that the clause be amended to criminalise deployment of AI systems to the disadvantage of persons with disabilities, in order to prevent discrimination.
933. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to set penalties at two percent of Kenyan revenue for first offences and four percent for repeat offences, in order to ensure deterrence.
934. The Kenya Union of Gig Workers (KUGWO) submitted that the clause be amended to create joint and several liability for providers and deployers causing worker harm, in order to close vendor accountability gaps.
935. Mr. Kilion Rodney Lemi submitted that the clause be amended to replace first-time penalties with corrective notices and revenue-tiered fines, in order to ensure proportional enforcement.
936. FIDA-Kenya and Ms. Mwikali Kasyoka submitted that the clause be amended to set minimum consent requirements for image, voice and likeness AI, in order to protect dignity and privacy.
937. The KenSafeSpace Coalition submitted that the clause be amended to narrow synthetic media offences to intentional demonstrable harm and exempt public-

interest journalism, satire, parody and art, in order to protect expression.

938. AmCham and KICTANet submitted that criminal liability be limited to actual knowledge or wilful conduct, with protection for good-faith officers, in order to prevent over-criminalisation.
939. AmCham and KICTANet submitted that a platform intermediary safe harbour and a 24-month transition for legacy systems be inserted, in order to support implementation.
940. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following related proposals: (a) Clearly allocate responsibility among developers, deployers, and users for intentional AI misuse, manipulation, or circumvention of safety controls; (b) Adopt a tiered civil and criminal liability framework, including rules on the burden of proof and clear legal pathways for redress. The stakeholder gave the following corresponding justifications: (a) Defined responsibility is necessary to prevent accountability gaps where harmful conduct involves several actors in the AI value chain; (b) A tiered framework would improve enforcement clarity, proportionality, and access to justice for persons harmed by AI.
941. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following related proposals: (a) Limit offences to knowing, reckless, grossly negligent, or material breaches and distinguish administrative failures from serious misconduct; (b) Exempt labelled satire, parody, journalism, research, art, and other lawful expression from synthetic-media offences. The stakeholder gave the following corresponding justifications: (a) A materiality and culpability threshold prevents criminalisation of minor technical gaps; (b) Clear exceptions protect constitutional expression and prevent overbroad criminalisation.
942. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Use risk- and turnover-based penalties and provide a due-diligence defence for directors who implemented reasonable compliance measures. The stakeholder gave the following justification: Sanctions should reflect severity and officers should not face automatic liability.
943. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Revise the synthetic-media offence so that lack of explicit consent is actionable and the accused bears the burden of showing absence of harm and a legitimate purpose; (b) Create an offence for operating inaccessible AI that denies or limits services, employment, benefits, or legal rights to persons with disabilities. The stakeholder gave the following corresponding justifications: (a) The change

- strengthens protection for victims of deepfake abuse and disinformation; (b) An express sanction deters exclusion caused by inaccessible systems.
944. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Require courts to distinguish intentional, negligent, and unknowing violations when setting penalties; (b) Permit reduced fines, corrective plans, community service, or warnings for eligible startups, SMEs, and social enterprises that act without intent or gross negligence and promptly remediate. The stakeholder gave the following corresponding justifications: (a) Penalty calibration should reflect the offender's actual culpability; (b) A tailored tier preserves innovation while retaining full penalties for deliberate or repeated violations.
945. Sheria Watch submitted the following proposal: Use warnings, improvement notices, and administrative fines as primary enforcement tools and reserve criminal sanctions for intentional and harmful violations. The stakeholder gave the following justification: Graduated enforcement promotes accountability without fear-based compliance in a developing sector.
946. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Create a statutory cause of action for algorithmic harm, allowing a person who suffers material damage or significant non-material harm because a provider or deployer breached a duty under the Act to recover compensation from that provider or deployer; (b) For harm involving a high-risk AI system, introduce a rebuttable presumption of causation once the claimant shows that the system was used in an adverse decision and was capable of causing the type of harm suffered. After *prima facie* evidence is established, place the burden on the deployer to show lawful, unbiased, and proper operation. The stakeholder gave the following corresponding justifications: (a) The Bill creates criminal and administrative enforcement but no express civil remedy for persons harmed by AI-mediated decisions; (b) Claimants ordinarily lack access to the technical evidence needed to prove breach and causation. A limited burden-shifting rule would address that information asymmetry.
947. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Require a party relying on an AI system in litigation or regulatory proceedings, upon request by the claimant, regulator, or court, to disclose relevant technical documentation, model cards, training-data characteristics, performance metrics, audit logs, and impact assessments; (b) Replace the single fixed maximum with turnover-linked tiers: for the most serious prohibited practices, the higher of KES 5 million or 7 per cent of annual Kenyan turnover; for high-risk non-

compliance, the higher of KES 3 million or 3 per cent; and for administrative failures, the higher of KES 1 million or 1.5 per cent. The stakeholder gave the following corresponding justifications: (a) Mandatory disclosure would give affected persons and adjudicators access to evidence held exclusively by providers and deployers; (b) Fixed fines may be severe for a local startup but immaterial to a large corporation. A dual-limb, tiered structure would make penalties proportionate to both the infringement and the offender's economic scale.

948. Mr. Wahinya Peter (Wahinya Advocates) submitted the following related proposals: (a) Authorise recovery of any financial benefit obtained through a non-compliant AI deployment and pay recovered sums into the proposed AI Compensation Fund; (b) Create a specific offence for creating, distributing, or deploying a non-consensual synthetic audio-visual representation of a candidate, public official, or voter during a regulated electoral period, punishable by a turnover-based fine and a minimum term of imprisonment for the most serious conduct. The stakeholder gave the following corresponding justifications: (a) Disgorgement would remove the economic incentive to treat a regulatory fine as a cost of doing business; (b) A tailored electoral-deepfake offence is proposed because synthetic political content can undermine elections and disproportionately facilitate gender-based political violence.
949. FinServe Africa Limited submitted the following proposal: Require coordinated enforcement by the AI Commissioner and other regulators and prohibit double penalties for the same conduct. The stakeholder gave the following justification: Coordination would prevent conflicting enforcement action and duplicative sanctions by the AI Commissioner and the ODPC.
950. Kanyi Chapline Ndabana submitted the following proposal: Remove imprisonment for technical non-compliance and use proportionate sanctions. The stakeholder gave the following justification: Criminalisation of code may drive developers and investment to other jurisdictions.
951. Bloggers Association of Kenya (BAKE) submitted the following related proposals: (a) Exempt satire, parody, art, education, and research from deepfake offences where no malicious deception is intended; (b) Remove imprisonment for non-malicious errors and use turnover-based penalties with appropriate treatment of non-profits and individual creators. The stakeholder gave the following corresponding justifications: (a) Creative and political expression should not be criminalised by vague misinformation provisions; (b) Uniform sanctions may silence small creators and civil-society organisations while barely affecting large firms.

952. Bunge Mashinani School of Governance submitted the following proposal: Introduce graduated enforcement using warnings and advisory support before penalties for startups. The stakeholder gave the following justification: Corrective support protects small innovators without removing accountability.
953. Kenya Healthcare Federation (KHF) submitted the following proposal: Require a written notice and at least ninety days to cure before enforcement, reserving criminal prosecution for wilful, repeated, or harmful conduct. The stakeholder gave the following justification: Iterative health systems should not attract criminal liability for first technical errors.
954. Mr. Gerald Kiti submitted the following related proposals: (a) State that use of AI is not a defence to violation of any applicable law; (b) Introduce safe harbours for entities meeting defined transparency, disclosure, and risk-mitigation standards, without weakening core rights. The stakeholder gave the following corresponding justifications: (a) Responsibility must remain with providers, deployers, and service professionals; (b) Carefully calibrated incentives encourage early governance investment.
955. Mr. Gerald Kiti submitted the following related proposals: (a) Provide flexible remedies including per-violation administrative fines, injunctions, disgorgement, and compensation for affected persons; (b) Clarify that rights and remedies under the Act are cumulative with data-protection, consumer, competition, employment, and other law. The stakeholder gave the following corresponding justifications: (a) Granular remedies improve proportionality, deterrence, and redress; (b) A cumulative-remedies rule avoids fragmentation and forum-shopping uncertainty.
956. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Replace the KES 5 million ceiling for large operators with penalties of three to six per cent of global annual turnover while preserving proportionate treatment of smaller actors; (b) Use warnings, turnover-based administrative fines, remediation orders, and temporary suspension for deployment-related compliance failures, and reserve imprisonment for intentional harm, fraud, deliberate concealment of known defects, malicious deepfakes, financial crime, and unlawful surveillance. The stakeholder gave the following corresponding justifications: (a) Revenue-based penalties deter global firms without making a fixed fine existential for startups; (b) Ordinary registration, impact-assessment, and oversight failures are administrative in character and should not attract the same criminal consequences as deliberate harmful conduct.
957. Mr. Russel Crowe submitted the following related proposals: (a) Use a two-track penalty structure with proportionate natural-person sanctions and the greater of a

fixed amount or a percentage of Kenyan revenue for corporate offenders; (b) Increase penalties for repeated violations and permit interim operational restrictions pending investigation. The stakeholder gave the following corresponding justifications: (a) Fixed KES 5 million penalties do not deter large technology firms; (b) Repeat-offender multipliers and operational controls improve deterrence before final enforcement.

958. Mr. Ian Limo Chirchir submitted the following related proposals: (a) Provide victim compensation for persons harmed by high-risk AI failures; (b) Protect fair use, satire, and public-interest creative work involving public figures. The stakeholder gave the following corresponding justifications: (a) Penalties should redress the citizen denied a benefit, diagnosis, or other entitlement, not only accrue to the State; (b) A strict consent rule may conflict with lawful creative and journalistic expression.

959. Ms. Susan Gatura (Phoenix KE Analytics) submitted the following proposal: Replace criminal penalties for technical compliance failures with graduated civil measures and reserve criminal liability for deliberate fraud, deepfakes, and targeted harm. The stakeholder gave the following justification: Local developers often rely on upstream models and should not face imprisonment for technically impossible documentation duties.

960. Ms. Noelle Atieno (Direct Democracy Africa (DDA)) submitted the following proposal: Replace the flat KES 5 million fine with a turnover-based tiered penalty system. The stakeholder gave the following justification: Uniform fines disproportionately affect local developers and may prevent local job creation.

Clause 36 – Regulations

961. The National Intelligence Service (NIS) proposed that regulation-making powers be added for agentic AI, foundation models, biometric AI, predictive AI, embodied AI and cybersecurity AI, to expand the Commissioner's powers to cover emerging AI categories.

962. Uber recommended that the Act come into force six months after the regulations, on the basis that the regulations will require extensive stakeholder engagement and necessary administrative and implementation provisions.

963. Microsoft Kenya submitted, in respect of Clause 36(2)(e), that the reference to data "localisation" be replaced with data "classification", on the basis that the absence of criteria for when localisation is necessary creates regulatory uncertainty for investors, and that data localisation requirements are most effective when supported by a clear national data classification framework developed in

coherence with the ongoing National Data Governance Policy process, to avoid overlapping or fragmented obligations.

964. Mr. Patrick Mainah submitted that the clause be amended to publish core rules early and provide stable regulatory periods, in order to improve predictability.
965. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require public participation, RIA, Senate consultation and parliamentary scrutiny for regulations, in order to improve legality.
966. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to narrow or delete the any other matter regulation-making power, in order to prevent overbroad delegation.
967. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to develop data governance regulations jointly with ODPC, in order to prevent regulatory overlap.
968. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to put core appeal rights in the Act, in order to protect due process.
969. Ms. Pauline Wanjiku Kamunya, Advocate, FCIArb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to recognise national, continental and international standards, in order to support interoperability.
970. The KenSafeSpace Coalition submitted that the clause be amended to require mandatory open public consultation for regulations, in order to improve legitimacy.
971. AmCham and KICTANet submitted that the localisation wording under Clause 36(2)(e) be replaced with data classification, in order to align it with the data governance policy.
972. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Provide international cooperation and cross-border governance mechanisms for imported AI systems, cross-border risk management, compliance, and enforcement of liability arrangements. The stakeholder gave the following justification: Many systems used in Kenya are developed or hosted abroad, making cross-border cooperation essential for effective regulation.
973. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Subject regulations to public participation and parliamentary approval. The stakeholder gave the following justification: Legislative scrutiny checks broad delegated powers.

974. United Disabled Persons of Kenya (UDPK) submitted the following related proposals: (a) Require critical regulations on classification, impact assessments, and sandboxes within twelve months; (b) Lay regulations before Parliament and permit annulment within a defined scrutiny period. The stakeholder gave the following corresponding justifications: (a) Core obligations should not remain inoperative because subsidiary legislation is delayed; (b) Parliamentary oversight prevents excessive executive delegation.
975. Ms. Hannah Maina submitted the following proposal: Institutionalise continuing public awareness, stakeholder engagement, and participatory policy review. The stakeholder gave the following justification: Ongoing engagement builds public trust and improves policy responsiveness.
976. Kenya Healthcare Federation (KHF) submitted the following proposal: Make health regulations proportionate, sector-specific, publicly tested, aligned with existing law, and supported by simple templates. The stakeholder gave the following justification: Subsidiary legislation should not become more burdensome or duplicative than the Act.
977. Ms. Mutheu Nyagah Khimulu submitted the following related proposals: (a) Give existing operators twenty-four months to register and complete conformity assessment, delay enforcement until foundational guidance is published, and deem pending applicants provisionally compliant absent imminent harm; (b) Require the Competition Authority of Kenya, within eighteen months and in consultation with the AI governance authority, to issue guidance on algorithmic price coordination, AI training-data dominance, data portability, and AI-driven self-preferencing. The stakeholder gave the following corresponding justifications: (a) Structured transition protects legitimate expectations and prevents enforcement before compliance tools exist; (b) Existing competition tools do not expressly address coordinated algorithmic pricing, data monopolies, or self-preferencing at AI speed and scale.
978. SunCulture Kenya Limited submitted the following proposal: Publish principal regulations within twelve months after at least sixty days of public and sector-specific consultation. The stakeholder gave the following justification: The Bill's key classification, sandbox, ethics, and workforce obligations depend on timely subsidiary legislation.
979. Ms. Fridah Nduta submitted the following proposal: Require continuing public participation, especially by youth and technology communities, as the framework develops. The stakeholder gave the following justification: Wider participation improves legitimacy and responsiveness.

980. Mr. Erick Mwangi (TerraSept Solutions Ltd) submitted the following related proposals: (a) Phase enforcement until AI infrastructure, skills, local data, and regulatory capacity are developed; (b) Require public participation in all secondary regulations, including meaningful participation by startups, civil society, and affected communities. The stakeholder gave the following corresponding justifications: (a) Capacity building should precede heavy obligations in a nascent ecosystem; (b) The regulations will determine much of the Bill's practical burden and should be co-designed transparently.

Clause 37 – Review of the Act

981. The National Intelligence Service (NIS) submitted that a specific review of agentic AI and other emerging forms be required, to ensure periodic statutory review of such systems.
982. Mr. Wilson Rading proposed that an annual Advisory Committee trend and risk report to Parliament be included, on the basis that the three-year review cycle is too slow for the pace of AI evolution.
983. FMC Advocates recommended that the review be conducted every three to five years with stakeholder engagement and public reporting, to keep pace with AI advancements.
984. Walukhu and Company Advocates submitted, in similar terms, that a Sunset and Review Clause be inserted requiring a mandatory comprehensive review of the Act by the relevant Parliamentary Committee within three years of enactment, an annual report by the Commissioner to Parliament on the state of AI in Kenya, a standing invitation to civil society, academia and industry to submit evidence to that review, and automatic Parliamentary consideration of any amendments recommended by the review, on the basis that AI technology evolves faster than any statute and a Bill without a mandatory review mechanism will become obsolete within three to five years.
985. Amara Capital Limited (Ms. Lucy Munga) submitted that the clause be amended to require review reports to Parliamentary ICT Committee and plenary with annual progress reports, in order to strengthen oversight.
986. BBC Media Action submitted that the clause be amended to require review after one year, in order to keep the law responsive.
987. Ms. Pauline Wanjiku Kamunya, Advocate, FCI Arb (Center for AI and Digital Policy Alumni) submitted that the clause be amended to require first review within eighteen months and thereafter every three years, in order to keep the law current.

988. The KenSafeSpace Coalition submitted that the clause be amended to review the Act's impact on expression, media freedom, civic space and marginalised communities, in order to protect constitutional rights.
989. The Kenya Bankers Association (KBA) submitted that the clause be amended to review the Act after eighteen months and every three years thereafter, in order to keep law current.
990. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) submitted the following proposal: Use National AI Governance Index results, incident trends, system-performance data, and stakeholder feedback as mandatory inputs to periodic review of the Act and policy framework. The stakeholder gave the following justification: Evidence-based review would allow governance to adapt continuously to technological developments and emerging African-context risks.
991. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University submitted the following proposal: Conduct the first review after two years, then every three years, and assess effects on local innovation and employment. The stakeholder gave the following justification: An early review can identify unintended consequences in a fast-changing field.
992. United Disabled Persons of Kenya (UDPK) submitted the following proposal: Require an independent review commissioned through Parliament every three years rather than an executive self-review. The stakeholder gave the following justification: Independent parliamentary review improves objectivity and democratic accountability.
993. Mr. Omondi Aloo (Flash Credit Africa) submitted the following proposal: Conduct annual reviews for the first six years and permit time-limited technical directives subject to parliamentary ratification. The stakeholder gave the following justification: Three-year cycles and full ministerial rule-making are too slow for monthly changes in model capability.
994. Mr. Gerald Kiti submitted the following proposal: Require annual technical review of risk categories, definitions, and emerging technology with recommendations to Parliament. The stakeholder gave the following justification: Continuous recalibration complements periodic statutory review.
995. Ms. Mutheu Nyagah Khimulu submitted the following proposal: Require a comprehensive evaluation within thirty-six months and every three years thereafter, followed by parliamentary debate and a formal response. The stakeholder gave the following justification: Regular review keeps classifications and enforcement aligned with new capabilities.

996. Mr. Russel Crowe submitted the following proposal: Require the Commissioner to develop a mutual-recognition strategy for equivalent African AI governance frameworks and report on foreign systems operating in Kenya. The stakeholder gave the following justification: Mutual recognition and analysis of jurisdiction gaps support continental interoperability and enforcement.

New Clause – International Cooperation

997. FMC Advocates submitted that Kenya be required to align its AI governance with the African Union Convention on Cybersecurity, the EU AI Act and other global frameworks, and that cross-border adequacy decisions be mandated for AI data transfers, to ensure interoperability with global standards, facilitate trade and strengthen enforcement of cross-border AI risks.

New Clause – Sector-Specific Safeguards

998. FMC Advocates proposed that tailored obligations be introduced for sensitive sectors, including healthcare (clinical validation), finance (bias-free credit scoring), education (fair admissions algorithms) and law enforcement (judicial oversight for biometric surveillance and facial recognition technology), to recognise sectoral risks, prevent discrimination and ensure proportionality.
999. KAPI – Industry Alliance of Health Products and Technologies submitted, in similar terms, that regulations be introduced governing the use of AI in combating falsified and substandard health products and technologies, on the basis that AI tools deployed against counterfeit medicines and devices warrant a dedicated sectoral safeguard within the health sector.

New Clause – AI Lifecycle Governance

1000. FMC Advocates recommended that post-market monitoring and incident-reporting obligations be introduced, including recall mechanisms for unsafe AI systems, and that deployers of high-risk AI systems be required to provide real-time auditing interfaces and cryptographic proof of AI decisions, to ensure that risks are managed throughout the AI lifecycle, strengthen accountability and build trust in high-risk AI applications.

New Clause – Affected Communities' Input

1001. FMC Advocates submitted that stakeholder groups representing affected communities be established to provide input into the governance of AI systems that directly affect them, and that consultation and participatory governance be

required beyond assurances from AI deployers, to ensure inclusivity, prevent opaque governance and strengthen the legitimacy of AI oversight.

New Clause – Data Governance, Information Sharing and Institutional Memory

1002.FECoMo submitted that a new provision authorise the Commissioner to establish secure, privacy-preserving data-sharing arrangements with other government agencies through the AI Exchange, subject to a data protection impact assessment, purpose limitation, pseudonymisation and a publicly available data-sharing register logged for audit by the Office of the Data Protection Commissioner, and that the Commissioner implement a knowledge-management system using generative AI, subject to human validation, to preserve institutional memory from departing staff, audit reports and enforcement decisions, on the basis that effective AI regulation requires cross-sectoral data access and the loss of technical expertise as staff depart is a critical capacity risk for a new regulator.

New Clause – Creative Economy and Performers' Rights

1003.The Kenya Actors Guild submitted that a dedicated provision address the creative economy, requiring providers and deployers to disclose whether training datasets include creative works or performances, prohibiting the reuse of a performer's voice, image or likeness without renewed consent and, where applicable, collective negotiation, and recognising creative unions and guilds as legitimate worker representatives for consultation under Clauses 17, 18 and 33, on the basis that AI systems increasingly generate or replicate creative performances without consent, remuneration or collective bargaining.

New Clause – Internal AI Governance Structures

1004.The Institute of Certified Secretaries (ICS) submitted that the Bill introduce a requirement for high-risk AI deployers to appoint a qualified AI Governance Officer responsible for establishing Board-level oversight of AI systems and implementing internal AI governance frameworks, on the basis that the Bill regulates AI systems but does not sufficiently address the internal governance structures within deploying entities, and that such a requirement would embed governance within organisations and ensure accountability beyond regulatory supervision.

General Comments

FMC Advocates

1005. FMC Advocates submitted that, prior to the commencement of the Act, the designated authority should develop and publish clear technical standards and implementation guidelines covering risk classification, compliance requirements and operational procedures.
1006. They further submitted that the compliance framework should be proportionate and calibrated to the differing capacities of market participants, particularly smaller and emerging developers who may lack the resources of larger entities.
1007. They submitted that the respective responsibilities of the Artificial Intelligence Commissioner, sector regulators and other relevant authorities must be clearly delineated, to avoid administrative inefficiencies and duplication of roles.
1008. They further submitted that the regulatory framework should move beyond pre-deployment compliance to incorporate lifecycle-based accountability mechanisms, addressing risks at the design, deployment and post-deployment stages of AI systems.

Ministry of Information, Communications and the Digital Economy

1009. The Ministry submitted that the Bill lacks a foundational National AI policy framework, contrary to established legislative best practice, and that it was developed without the participation or leadership of the Ministry, which is the constitutionally mandated policy authority.
1010. The Ministry further submitted that the Bill duplicates and conflicts with ongoing government processes, including the National AI Strategy 2025–2030 and the ongoing development of the National Artificial Intelligence and Emerging Technologies Policy, and conflicts with the National Assembly’s recommendation that the Ministry spearhead the development of AI policy.
1011. The Ministry submitted that the Bill risks creating institutional fragmentation and regulatory overlap, and does not address the question of AI and emerging-technology sovereignty.

Mr. Joseph Otieno

1012. Mr. Otieno submitted that the Bill should include and give consideration to young people, together with those entering the technology industry, on the basis that doing so would encourage innovation.

Mr. Alister Govedi

1013. Mr. Govedi raised constitutional, economic and strategic concerns regarding the Bill, submitting that it risks contravening the spirit and letter of the Constitution, specifically Article 10 (national values and principles of governance), Article 27 (equality and freedom from discrimination), Article 40 (protection of the right to property) and Article 47 (fair administrative action).
1014. He further submitted that overregulation will not eliminate risk but will instead relocate innovation, with Kenyan developers potentially moving their operations and intellectual property to jurisdictions with more balanced regulatory frameworks, and that, if the framework unintentionally suppresses domestic innovation while enabling external dominance, Kenya risks becoming a consumer rather than a producer of advanced technologies.
1015. He submitted that the current structure creates a de facto unequal playing field, imposing complex regulatory systems that local startups cannot navigate as easily as large international entities, and urged a shift from rigid pre-emptive constraints to a model that enables controlled innovation for long-term growth.

Mr. Adrian Omuoso

1016. Mr. Omuoso proposed a streamlined, “single window” compliance mechanism, allowing a unified reporting mandate so that a single compliance filing satisfies overlapping digital regulations, in order to prevent a startup having to report the same incident to the AI Commissioner, the Data Protection Commissioner and sector-specific regulators.
1017. He further submitted that, to provide the legal certainty required for venture capital investment, the Commissioner’s power to reclassify a system from low risk to high risk should be constrained by a mandatory sixty-day public consultation period and a clear right of appeal to the High Court.

Mr. Robinson Macharia

1018. Mr. Macharia formally opposed the Bill in its current form, submitting that it is premature, structurally overburdened, and a risk to Kenya’s position in the global AI race.
1019. He submitted that establishing and sustaining three new government bodies is fiscally irresponsible, given that Kenya’s budget cannot comfortably absorb such significant ongoing public expenditure, and that AI governance should instead be managed through the existing mandates of the Office of the Data Protection Commissioner and the Communications Authority, to avoid compliance confusion and increased costs for small and medium-sized enterprises.

1020. He further submitted that, instead of a comprehensive new statute, the Government should begin with guidelines and codes of practice under existing institutions, deferring the establishment of heavy institutional architecture until the Kenyan AI ecosystem is sufficiently mature to absorb the compliance load.
1021. He submitted that the Bill as drafted penalises local innovators who adapt open-source models rather than building from scratch, potentially pushing innovation offshore.

Safaricom PLC

1022. Safaricom Plc submitted that the bill imposes extensive compliance obligations which may disproportionately burden startups, SMEs and local innovators compared to large and multinational technology firms.
1023. The company further noted that criminal penalties, imprisonment and personal liability for directors and company officers is unusually punitive for a rapidly evolving technological field and may discourage investment.
1024. Certain obligations such as full explainability, complete audit trails for third party models and continuous human oversight may also be technically impractical.
1025. Excessive compliance burdens could inadvertently increase dependence on foreign AI providers.
1026. The Bill may regulate AI too broadly, too early and too punitively for Kenya's current stage of digital and innovation ecosystem development. A more effective approach would likely be risk-based, phased, innovation-friendly, sector-led and proportionate to actual levels of risk and harm.
1027. Internationally many jurisdictions are still adopting cautious, phased and policy-led approaches to AI governance, recognising that the technology, standards and institutional practices are still evolving.
1028. The success of any AI regulatory framework will depend heavily on institutional capacity. Without sufficient technical expertise, funding and coordinated sectoral oversight, there is a risk that the framework creates substantial compliance burdens for legitimate businesses without meaningfully improving enforcement against malicious use.

Google

1029. Google submitted that its primary recommendation is the withdrawal or pausing of the Bill pending finalisation of the National AI Policy and National Data Governance Policy, on the basis that enacting binding legislation before these

foundational instruments are settled risks creating a fragmented and contradictory regulatory environment and submitted secondary clause-by-clause recommendations without prejudice to this primary submission, should the Committee elect to proceed.

Raspberry Pi Foundation

1030. The Raspberry Pi Foundation submitted in general support of the Bill's foundation in building national AI literacy, while emphasising that teachers require structured curriculum resources and professional development to confidently integrate AI in the classroom while maintaining human oversight, and offered to support scalable, evidence-based approaches reaching underserved communities.

Central Organization of Trade Unions (Kenya) (COTU (K))

1031. COTU (K) submitted that, while the Bill is progressive in recognising the need to regulate AI, it does not sufficiently address labour concerns, worker protection or structured trade-union participation in AI governance, and submitted that any AI governance framework must be anchored on tripartism, decent-work principles and the protection of labour rights under Article 41 of the Constitution and relevant International Labour Organization standards.

National Coalition on Freedom of Expression and Content Moderation in Kenya (FECMo)

1032. FECMo submitted that the Bill's foundation in ethical, rights-based AI governance is sound but raised concerns regarding practical enforceability, institutional capacity and responsiveness to evolving, context-specific risks, and recommended a more operational, technology-enabled regulatory approach addressing systemic harms such as technology-facilitated gender-based violence, algorithmic bias and the risks of regulatory capture.

Qhala, Mtoto News, Differently Talented Society of Kenya and Civil Society Organisations (coordinated by the Africa Centre for Parliamentary Affairs)

1033. The coalition submitted its commendation of the Bill as a vital instrument for digital transformation, while recommending that it adopt a more human-centred, inclusive and disability-responsive approach, and called on Parliament to harmonise the Bill with the Data Protection Act and the Cybercrimes Act, require

an annual Digital Inclusion and Equity Report, and ring-fence funds for county-level data centres.

Kenya Actors Guild

1034. The Kenya Actors Guild submitted in support of the Bill's risk-based regulatory architecture, transparency and contestation rights, and the establishment of the Office of the Artificial Intelligence Commissioner, while submitting that the Bill's structural gaps, including narrow definitions, incomplete risk categorisation and the absence of labour representation in governance, risk excluding significant portions of Kenya's workforce, particularly in platform-mediated and creative work.

Lawyers Hub (Africa AI Policy Lab)

1035. Lawyers Hub submitted that the Bill is premature, having been introduced before the finalisation of a National AI Policy, contrary to the sequencing followed by South Africa, Zimbabwe and Ghana, and that the Bill operationalises only the governance pillar of the National AI Strategy 2025–2030, scoring poorly against the Strategy's digital infrastructure, investment and environmental sustainability pillars, and recommended that, if the Committee proceeds, it adopt an omnibus amendment to existing statutes rather than create a new Commissioner.

Thomas Louis Advocates

1036. Thomas Louis Advocates submitted that the Bill has been substantially adapted from the European Union AI Act, a framework designed for an economy that develops and exports AI systems, whereas Kenya is overwhelmingly an AI consumer economy reliant on foreign-built models, and submitted that the Bill's compliance obligations, penalty structure and institutional architecture should be calibrated to this reality, while affirming the Bill's human-rights impact assessment, human-centric design mandate, workforce protection and deepfake provisions as worthy of being strengthened.

Walukhu and Company Advocates

1037. Mr. Spencer Walukhu Wanambisi, on behalf of Walukhu and Company Advocates, submitted that the Bill's foundational architecture, a risk-based classification framework aligned with the EU AI Act, the right to plain-language explanation of automated decisions, the criminalisation of harmful deepfakes, regulatory sandboxes and the extension of the Bill's requirements to county government deployments, represent genuine strengths that should be preserved, while submitting eleven major structural flaws and seven critical missing provisions requiring resolution before

enactment.

1038. On legislative procedure, Walukhu and Company Advocates submitted that the Committee commission a fuller public participation exercise reaching beyond Nairobi, with sessions in Eldoret, Kisumu, Mombasa, Nakuru and Garissa at minimum, including youth, persons with disabilities, informal-sector workers and rural communities; request a Regulatory Impact Assessment and fiscal analysis from the National Treasury and the Kenya National Bureau of Statistics before Second Reading; invite technical evidence from the ODPC, the Communications Authority, the Kenya ICT Authority, the Central Bank of Kenya, the IEBC, civil society and the developer community; and consider a staged enactment approach, immediately enacting the risk-classification framework, disclosure obligations and civil liability provisions while allowing a twelve-month consultation period on the institutional architecture.

American Chamber of Commerce – Kenya (AmCham) and Kenya ICT Action Network (KICTANet)

1039. AmCham and KICTANet jointly submitted a request for the withdrawal or deferral of the Bill pending finalisation of the National Artificial Intelligence Policy 2026, on the basis that the Policy is being developed through a rigorous, inclusive, multi-stakeholder process led by the Ministry of Information, Communications and the Digital Economy in collaboration with KICTANet, with stakeholder validation anticipated in May 2026, and that the concurrent development of the Bill and the Policy presents a risk of duplicated mandates, conflicting definitions, overlapping institutional roles and diminished stakeholder confidence; they recommended that the Bill be deferred, withdrawn or paused and subsequently reintroduced in a manner fully aligned with the finalised Policy.

Ms. Gladwell Nduta

1040. Ms. Nduta submitted that her primary concern is the potential for a regulatory bottleneck arising from the requirement for state vetting of AI-built applications, specifically in the realm of agentic wallets and personalised commerce, and urged the Committee to ensure that the Bill protects the public without stifling the innovation that has made Kenya a leader in fintech.

Cereal Growers Association (CGA)

1041. CGA, which represents over 700,000 farmers and agribusiness actors across Kenya,

submitted that it strongly supports the Bill and particularly welcomes the establishment of the Office of the Artificial Intelligence Commissioner, the risk-based approach to AI regulation, the provisions on ethical use, transparency and accountability, and the recognition of agriculture as a high-risk and critical sector, while submitting that the Bill would benefit from sector-specific refinements to ensure it supports innovation while remaining practical for agricultural stakeholders.

CGA further recommended that the Bill introduce policy or regulatory support for local agri-tech startups, public-private partnerships and research and development in agricultural AI, and strengthen provisions for rural connectivity and access to digital tools to promote equitable access to AI technologies in rural areas, on the basis that innovation will not flourish without deliberate support mechanisms and that, without infrastructure, AI benefits will remain inaccessible to most farmers.

KAPI – Industry Alliance of Health Products and Technologies

1042.KAPI, a membership organisation representing manufacturers and local representatives of biopharmaceuticals, vaccines, medical devices and diagnostics, submitted that the Bill is generally comprehensive and well structured, with no major industry concerns highlighted, while recommending that AI regulation be aligned to the Data Protection Act, that the Office of the Artificial Intelligence Commissioner be established within the Office of the Data Protection Commissioner, and that regulations be introduced on AI-facilitated misinformation and identity theft and on the use of AI in combating falsified and substandard health products and technologies.

Microsoft Kenya

1043.Microsoft Kenya submitted that several provisions of the Bill, as currently drafted, risk introducing compliance barriers, regulatory duplication and investment uncertainty that could undermine the very objectives the Bill seeks to advance, and that legislating ahead of the completion of the National Artificial Intelligence and Emerging Technologies Policy risks creating a governance architecture misaligned with Kenya's strategic priorities.

1044.Microsoft Kenya further submitted that several of the Bill's most significant determinations, including the categorisation of high-risk AI systems, the quantum of administrative fines and the content of ethical guidelines whose contravention attracts criminal sanction, have been deferred to future regulations, and that this ambiguity could undermine the compliance culture the Bill seeks to foster.

1045. Microsoft Kenya recommended that, should the Bill proceed, a formal inter-agency coordination mechanism be established between the Committee and the Ministry of Information, Communication and the Digital Economy to harmonise the Bill with the emerging National AI Policy, the National Data Governance Policy, the AI Strategy and the Cloud Policy before enactment.

Anjarwalla & Khanna LLP (ALN Kenya)

1046. Anjarwalla & Khanna LLP, trading as ALN Kenya, submitted detailed clause-by-clause drafting amendments to the Bill pursuant to the Committee's call for public comments, addressing definitional gaps, the constitutional propriety of the appointment and removal procedures for the Commissioner, the scope of the Office's powers of entry and inspection, and the remuneration of the Commissioner and staff.

1047. ALN Kenya submitted that several provisions of the Bill raise constitutional concerns, including the allocation to the Senate of an approval role in the appointment of the Commissioner that properly belongs to the National Assembly under Article 132, and the absence of a warrant requirement for inspections of private residential premises under Article 31.

Institute of Certified Secretaries (ICS)

1048. The Institute of Certified Secretaries (ICS) submitted that the Bill is progressive and timely, welcoming the establishment of the Office of the Artificial Intelligence Commissioner, while submitting that several provisions would benefit from strengthening from a governance perspective to enhance accountability, transparency, institutional independence and the effectiveness of oversight.

1049. ICS recommended, among other matters, the introduction of explicit safeguards for the operational and financial independence of the Office, due process requirements and appeal timelines for its enforcement powers, an independent chairperson for the Advisory Committee, a statutory definition of "due diligence" for purposes of director liability, and a requirement for high-risk AI deployers to appoint a qualified AI Governance Officer.

Nexus Tech Policy Advisors Ltd

1050. Nexus Tech Policy Advisors Ltd submitted that the Bill constitutes a significant legislative step toward establishing a comprehensive governance framework for artificial intelligence in Kenya, and that, while it adopts a risk-based regulatory architecture and introduces institutional oversight mechanisms, several provisions would benefit from greater definitional clarity, procedural precision and alignment

with existing regulatory frameworks to ensure effective implementation.

1051. Nexus Tech Policy Advisors Ltd submitted that the effectiveness of the Bill will depend on clear definitions, institutional coordination, proportional and implementable obligations, and alignment with the National Artificial Intelligence and Emerging Technologies Policy, the Kenya Cloud Policy 2024 and the National Data Governance Policy, all of which remain under development.

Kenya Bankers Association (KBA)

1052. Kenya Bankers Association (KBA) recommended that the Bill be amended to recognise cross-border AI models and intra-group deployments under existing data transfer and outsourcing rules, in order to support financial operations.
1053. Kenya Bankers Association (KBA) recommended that the Bill be amended to provide transitional compliance periods of twelve months for existing high-risk systems and twenty-four months for registration, in order to support implementation.
1054. Kenya Bankers Association (KBA) recommended that the Bill be amended to provide incentives including tax benefits, public recognition and regulatory relief, in order to promote responsible AI adoption.

Dr. Andrew Gitau Kimani

1055. Dr. Andrew Gitau Kimani recommended that the Bill be amended to establish a Synthetic Media Electoral Response Unit, in order to protect election integrity.

Mr. Richard Ruoro

1056. Mr. Richard Ruoro recommended that the Bill be amended to create a Synthetic Media Electoral Response Unit twelve months before elections, in order to improve preparedness.
1057. Mr. Richard Ruoro recommended that the Bill be amended to establish County AI Officers in all forty-seven counties, in order to support county implementation.
1058. Mr. Richard Ruoro recommended that the Bill be amended to require foreign AI deployers with at least 100,000 Kenyan users to appoint local representatives, in order to strengthen enforcement.
1059. Mr. Richard Ruoro recommended that the Bill be amended to provide a 24-month phase-in for Tier 2 entities and suspend penalties for documentary non-compliance, in order to support transition.

Mr. Patrick Mainah

1060. Mr. Patrick Mainah recommended that the Bill be amended to recognise CBK prudential guidelines as co-regulatory instruments, in order to avoid regulatory duplication.
1061. Mr. Patrick Mainah recommended that the Bill be amended to create a joint AI Governance Secretariat with single-window compliance, in order to improve coordination.
1062. Mr. Patrick Mainah recommended that the Bill be amended to insert cybersecurity obligations for high-risk AI and agentic systems, in order to protect system integrity.
1063. Mr. Patrick Mainah recommended that the Bill be amended to require local representatives for foreign providers, in order to strengthen enforcement.
1064. Mr. Patrick Mainah recommended that the Bill be amended to create a civil cause of action for AI-caused harm, in order to provide remedies.
1065. Mr. Patrick Mainah recommended that the Bill be amended to create an API-user and downstream developer safe harbour, in order to align liability with control.
1066. Mr. Patrick Mainah recommended that the Bill be amended to introduce an AI practitioner certification framework, in order to build professional capacity.
1067. Mr. Patrick Mainah recommended that the Bill be amended to coordinate electoral AI and synthetic media standards with IEBC, in order to protect electoral integrity.
1068. Mr. Patrick Mainah recommended that the Bill be amended to introduce incentives and lighter requirements for local developers and startups, in order to promote local innovation.

Mr. Peter Lemashon Ntutu

1069. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to provide a five-year corporate income tax exemption for qualifying AI startups, in order to promote local innovation.
1070. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to zero-rate VAT on cloud computing, AI software licences and data annotation services for registered AI startups, in order to reduce startup costs.
1071. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to provide a 150 percent R&D tax credit for AI development expenditure, in order to stimulate research and development.
1072. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to allow duty-free importation of AI hardware for registered startups, in order to improve access to compute.

1073. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to establish the Kenya AI Innovation Fund, in order to provide domestic innovation financing.
1074. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to reserve thirty percent of government AI procurement for Kenyan AI firms, in order to promote local market access.
1075. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to open non-personal agricultural, soil and climate government datasets within twelve months, in order to support AI development.
1076. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to create a National Soil and Agricultural AI Data Commons with APIs, in order to improve data access.
1077. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to provide a payroll tax rebate for AI startups hiring and training Kenyan AI engineers, in order to build local skills.
1078. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to fund 500 AI scholarships annually with county and employment priorities, in order to build local capacity.
1079. Mr. Peter Lemashon Ntutu recommended that the Bill be amended to require thirty-day licensing decisions for limited or minimal-risk AgriTech and ClimaTech AI, to improve regulatory certainty.

FIDA-Kenya and Ms. Mwikali Kasyoka

1080. FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to add international and regional ethical principles as minimum standards, in order to support rights-based governance.
1081. FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to regulate cybersecurity attacks including prompt injection, model inversion and data exfiltration, in order to improve AI security.
1082. FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to make safety-by-design mandatory, to prevent harm.
1083. FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to require incident reporting and mitigation for AI harm, in order to improve accountability.
1084. FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to create compensation and civil causes of action for AI harm in or outside Kenya, in order to provide remedies.

1085.FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to provide parliamentary oversight of the AI Commissioner, Advisory Committee and AI Office, in order to strengthen accountability.

1086.FIDA-Kenya and Ms. Mwikali Kasyoka recommended that the Bill be amended to include gender audits and assessments within AI governance, in order to promote gender-responsive law.

Kenya Union of Gig Workers (KUGWO)

1087.Kenya Union of Gig Workers (KUGWO) recommended that the Bill be amended to make AI deployment a mandatory collective bargaining subject, in order to protect social dialogue.

1088.Kenya Union of Gig Workers (KUGWO) recommended that the Bill be amended to create worker data portability and restrict third-party worker-data sharing, in order to reduce platform lock-in.

1089.Kenya Union of Gig Workers (KUGWO) recommended that the Bill be amended to preserve ELRC jurisdiction for AI-driven dismissal claims while allowing Commissioner enforcement, in order to clarify remedies.

Amara Capital Limited (Ms. Lucy Munga)

1090.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to reference ISO/IEC 42001 and NIST AI RMF as compliance pathways, in order to support interoperability.

1091.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to establish a National Artificial Intelligence Authority with a Board and AI Safety Advisory Council, in order to strengthen institutional design.

1092.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to provide exemptions for national security oversight, personal use and research before market, in order to ensure proportional application.

1093.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to require high-risk schedules and gazette amendments to be laid before Parliament, in order to improve accountability.

1094.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to recognise equivalent foreign conformity assessments and certifications, in order to reduce duplicative compliance.

1095.Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to insert GPAI and frontier model obligations, in order to address systemic risk.

1096. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to require transparency and machine-readable labelling for synthetic content with creative exceptions, in order to protect users and expression.
1097. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to provide rights to explanation, human review, complaint and discrimination claims, in order to protect affected persons.
1098. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to require public-sector AI registers, impact assessments, notices and human review, in order to strengthen public accountability.
1099. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to provide SME and startup support through reduced fees, templates, sandbox priority and guidance, in order to promote innovation.
1100. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to require AI literacy for providers, deployers, judiciary, law enforcement and the public, in order to build capacity.
1101. Amara Capital Limited (Ms. Lucy Munga) recommended that the Bill be amended to provide relationship-with-other-laws and transitional compliance provisions, in order to support coherent implementation.

Data Privacy and Governance Society of Kenya (DPGSK)

1102. Data Privacy and Governance Society of Kenya (DPGSK) recommended that the Bill be deferred until the national AI policy is completed, with interim reliance on sandboxes, voluntary codes and guidance, in order to promote policy coherence.

KenSafeSpace Coalition

1103. KenSafeSpace Coalition recommended that the Bill be amended to defer or reject the Bill pending the National AI Policy process, in order to promote policy coherence.

BBC Media Action

1104. BBC Media Action recommended that the Bill be amended to hold an oral testimony session for non-profits, startups and media organisations, in order to improve stakeholder participation.

Joint Submission of Education Stakeholders (EdTech East Africa)

1105. Joint Submission of Education Stakeholders (EdTech East Africa) recommended that the Bill be amended to integrate AI literacy across CBC and create a cognitive

integrity protocol, in order to protect foundational learning.

1106. Joint Submission of Education Stakeholders (EdTech East Africa) recommended that the Bill be amended to provide zero-rated or offline AI literacy resources, open curriculum data and inclusive design with NCPWD, in order to promote equity.
1107. Joint Submission of Education Stakeholders (EdTech East Africa) recommended that the Bill be amended to adopt evidence-led AI in education and fund Kenyan research on student impact, in order to support informed implementation.

Dr. Moses M. Thiga

1108. Dr. Moses M. Thiga recommended that the Bill be amended to create civil liability and direct compensation through courts, in order to provide remedies.

Mr. Balala Ocharo (i-CODE Robotics and AI Lab)

1109. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to create a domestic AI system registration process aligned with intellectual property law, in order to support local innovation.
1110. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to insert foundation model governance for foreign GPAI deployed in high-risk contexts, in order to address systemic risk.
1111. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to create civil liability with statutory cause of action and reverse burden, in order to provide remedies.
1112. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to create a government AI register and pre-deployment assessments for justice, immigration, welfare and tax, in order to strengthen public accountability.
1113. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to create a register of recognised AI training and innovation institutions, in order to build skills ecosystem.
1114. Mr. Balala Ocharo (i-CODE Robotics and AI Lab) recommended that the Bill be amended to create a Kenya AI R&D Fund and implementation plan, in order to support local innovation.

AI Skills and Compute Africa Foundation (AISCA)

1115. AI Skills and Compute Africa Foundation (AISCA) recommended that the Bill be amended to insert foundation model and GPAI obligations, in order to improve accountability for general-purpose AI.

1116. AI Skills and Compute Africa Foundation (AISCA) recommended that the Bill be amended to align governance with the National AI and Emerging Technologies Policy within twelve months, in order to promote policy coherence.

Mr. Allan Mulama (Allan Mulama Advocates)

1117. Mr. Allan Mulama (Allan Mulama Advocates) recommended that the Bill be amended to create civil liability rules for high-risk and non-high-risk AI, in order to provide remedies.
1118. Mr. Allan Mulama (Allan Mulama Advocates) recommended that the Bill be amended to harmonise the Bill with the Advocates Act, Consumer Protection Act, CMCA, Competition Act and Employment Act, in order to avoid legal conflict.
1119. Mr. Allan Mulama (Allan Mulama Advocates) recommended that the Bill be amended to provide an eighteen-month transition and six-month high-risk registration deadline, in order to support implementation.
1120. Mr. Allan Mulama (Allan Mulama Advocates) recommended that the Bill be amended to require AI Governance Officers for high-risk deployers and a national certification programme, in order to build governance capacity.

Mr. Onesmus Mbila Musyoka

1121. Mr. Onesmus Mbila Musyoka recommended that the Bill be amended to create an AI Ombudsman or ODPC expansion with a Harm Compensation Fund, in order to provide remedies.
1122. Mr. Onesmus Mbila Musyoka recommended that the Bill be amended to pair robust standards with innovation sandboxes, compliance grants and investor education, in order to support implementation.

Center for AI and Digital Policy (CAIDP)

1123. Center for AI and Digital Policy (CAIDP) recommended that the Bill be amended to separate regulatory functions, ensure public funding and create an independent Appeals Tribunal, in order to improve institutional accountability.
1124. Center for AI and Digital Policy (CAIDP) recommended that the Bill be amended to create civil liability with strict liability, reverse burden and whistleblower protections, in order to provide remedies.
1125. Center for AI and Digital Policy (CAIDP) recommended that the Bill be amended to commit Kenya to Council of Europe AI Treaty compatibility, UNESCO RAM updates and AU regional coordination, in order to support international alignment.

ILINA Program (Mr. Cecil Abungu)

1126. ILINA Program (Mr. Cecil Abungu) recommended that the Bill be amended to establish a Kenya AI Safety Institute for model testing and verification, in order to improve AI safety.
1127. ILINA Program (Mr. Cecil Abungu) recommended that the Bill be amended to support third-party AI evaluation through standards, accreditation and professional requirements, in order to build evaluation capacity.
1128. ILINA Program (Mr. Cecil Abungu) recommended that the Bill be amended to wait for the National AI Policy before advancing the Bill, in order to promote policy coherence.

Mr. Michael Onyango

1129. Mr. Michael Onyango recommended that the Bill be amended to establish a Universal Protection Fund funded by a 1.5 percent sovereignty levy on non-Kenyan AI entities, in order to fund worker transition and innovation.
1130. Mr. Michael Onyango recommended that the Bill be amended to require parity of protection with major global AI safety and labour-impact standards, in order to prevent Kenya becoming a testing ground.
1131. Mr. Michael Onyango recommended that the Bill be amended to manage Universal Protection Fund disbursements and data royalties through distributed ledger technology, in order to improve transparency.
1132. Mr. Michael Onyango recommended that the Bill be amended to classify national data as a sovereign strategic resource, in order to protect digital sovereignty.
1133. Mr. Michael Onyango recommended that the Bill be amended to require reciprocal value-sharing for use of Kenyan data in AI development, in order to prevent uncompensated data extraction.

Mr. Robin Munene Nyaga (Ecardex Systems Limited)

1134. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to create a thirty-six-month transition before Part V compliance obligations are enforceable, in order to support regulatory readiness.
1135. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to establish a Kenya AI Startup Compliance Support Fund, in order to support startup compliance.
1136. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to deem recognised sector-regulator approvals as satisfying equivalent AI

Act requirements, in order to avoid duplication.

1137. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to create a National African AI Data Development Programme, in order to improve African AI datasets.
1138. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to refer the Bill to a Special Select Committee with startup, academic and sector experts, in order to improve technical scrutiny.
1139. Mr. Robin Munene Nyaga (Ecardex Systems Limited) recommended that the Bill be amended to commission an independent economic impact assessment on the startup ecosystem before Second Reading, in order to support evidence-based law-making.

Robotics Society of Kenya (RSK)

1140. Robotics Society of Kenya (RSK) recommended that the Bill be amended to legally recognise the Kenya Robotics and AI Society as a professional standard, capacity-building and advisory body, in order to build innovation ecosystem.
1141. Robotics Society of Kenya (RSK) recommended that the Bill be amended to integrate AI, robotics, cybersecurity and data science across education levels, in order to build national skills.
1142. Robotics Society of Kenya (RSK) recommended that the Bill be amended to create national AI teacher certification programmes, in order to build teacher capacity.
1143. Robotics Society of Kenya (RSK) recommended that the Bill be amended to support rural AI and robotics infrastructure including solar-powered labs and edge computing, in order to promote inclusion.
1144. Robotics Society of Kenya (RSK) recommended that the Bill be amended to provide incentives for startups, SMEs and student-led innovation, in order to promote local innovation.
1145. Robotics Society of Kenya (RSK) recommended that the Bill be amended to expand the Bill's scope to include robotics systems, in order to align related technologies.

Ms. Blessed Maria N.N.

1146. Ms. Blessed Maria N.N. submitted that the Bill should withdraw the Artificial Intelligence Bill.
1147. Ms. Blessed Maria N.N. submitted that the Bill should this would prevent premature regulation.
1148. Ms. Blessed Maria N.N. recommended that the Bill be amended to refer the Bill for comprehensive public participation, regulatory impact assessment and stakeholder

consultation, in order to improve legitimacy and evidence-based law-making.

1149. Ms. Blessed Maria N.N. recommended that the Bill be amended to prioritise implementation of existing data protection and cybersecurity laws, capacity building, innovation support and public awareness before enacting a new AI law, in order to avoid duplication and support readiness.

Dr. Njeri Ngaruiya

1150. Dr. Njeri Ngaruiya recommended that the Sexual Offences Act be amended to address technology-facilitated gender-based violence, in order to provide survivor-centred legislation.
1151. Dr. Njeri Ngaruiya recommended that the Bill be amended to criminalise AI-generated non-consensual intimate imagery, online grooming, sexual impersonation, intimate surveillance and AI-facilitated sextortion, in order to protect victims of digital sexual harm.
1152. Dr. Njeri Ngaruiya recommended that the Bill be amended to provide for aggravated offences, emergency takedown orders, survivor-centred protocols and civil remedies for AI-facilitated sexual harm, in order to strengthen victim protection.
1153. Dr. Njeri Ngaruiya recommended that the Bill not proceed pending completion of the National AI and Emerging Technologies Policy and the National Data Governance Policy, in order to promote policy coherence.
1154. Dr. Njeri Ngaruiya recommended that a regulatory gap analysis be conducted, using the existing ODPC and CA architecture, before any new AI body is created, in order to avoid institutional duplication.
1155. Dr. Njeri Ngaruiya recommended that future AI legislation be developed through the KICTANet-MICDE process, with a full gender impact assessment, in order to support inclusive law-making.
1156. Dr. Njeri Ngaruiya recommended that the Bill be aligned with the Data Protection Act and the Computer Misuse and Cybercrimes Act, in order to promote harmonised enforcement.
1157. Dr. Njeri Ngaruiya recommended that funds be ring-fenced for local data centres in every county, in order to promote equitable access.

Africa Strategic Policy & AI Resource Centre (AFRI-SPARC)

1158. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) made the following general observation: Ensure that the framework is African-owned and grounded in Ubuntu, local identity, diversity, infrastructure constraints, and social and economic

realities rather than depending excessively on imported Western models.

1159. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) made the following general observation: Protect employees and other persons who report AI misuse through anti-retaliation safeguards, anonymous reporting channels, identity protection, and fair verification procedures.
1167. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) made the following general observation: Clarify ownership of AI-generated outputs, lawful use and attribution of training data, fair-use limits, and the circumstances in which trade-secret claims must yield to safety and accountability.
1168. Africa Strategic Policy & AI Resource Centre (AFRI-SPARC) made the following general observation: Consider specialised judicial capacity, including AI-specific evidentiary standards and, if necessary, specialised adjudicative mechanisms for complex AI disputes.

**Centre for Intellectual Property and Information Technology Law (CIPIT),
Strathmore University**

1169. Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore University made the following general observation: Complete foundational implementation of the National AI Strategy and pending national data-governance and AI policy instruments before relying on hard-law intervention.

United Disabled Persons of Kenya (UDPK)

1170. United Disabled Persons of Kenya (UDPK) made the following general observation: Provide a transitional rule for complaints, investigations, and proceedings pending at commencement so they are determined under the Act unless that would cause undue prejudice.

Sheria Watch

1171. Sheria Watch made the following general observation: Sequence the Bill with implementation of the National AI Strategy and policy framework and reconsider enactment of a mature-market regulatory model while Kenya's AI ecosystem remains nascent.

Mr. Wahinya Peter (Wahinya Advocates)

1172. Mr. Wahinya Peter (Wahinya Advocates) made the following general observation:

The submission supports comprehensive AI legislation and considers the Bill's risk-based architecture, proposed Commissioner, and enforcement intent to be sound foundations, but argues that the present drafting lacks the precision needed for enforceability and constitutional compliance.

1173. Mr. Wahinya Peter (Wahinya Advocates) made the following general observation: Its central concerns are the breadth of the AI definition, concentration of regulatory and appellate power, incomplete risk classifications, absence of civil remedies, disproportionate fixed penalties, omission of foundation-model and biometric-surveillance rules, and lack of extraterritorial reach.
1174. Mr. Wahinya Peter (Wahinya Advocates) made the following general observation: The stakeholder does not seek withdrawal of the Bill. It urges adoption of the proposed reforms, technical hearings with deployers and civil-society organisations, and enactment of a legally precise, technically workable, and rights-centred framework.

Ms. Pauline Ndung'u

1175. Ms. Pauline Ndung'u made the following general observation: Revise the Bill comprehensively so that it protects against genuine harm without discouraging youth, local AI development, and startup investment.

Bunge Mashinani School of Governance

1176. Bunge Mashinani School of Governance made the following general observation: Consider an AI Innovation Fund, tax incentives and special economic zones for AI firms, secure national open-data platforms, one-stop regulatory and investment services, and international AI investment cooperation.

Ms. Mutheu Nyagah Khimulu

1177. Ms. Mutheu Nyagah Khimulu made the following general observation: Undertake a broader multi-stakeholder process before enactment so that legal, technical, governance, innovation, and industry perspectives are fully represented.
1178. Ms. Mutheu Nyagah Khimulu made the following general observation: Create a civil cause of action for AI-caused harm with defined standards of liability, a rebuttable causation presumption for high-risk systems, clear limitation periods, and effective compensatory and deterrent remedies.
1179. Ms. Mutheu Nyagah Khimulu made the following general observation: Require the

Attorney-General to assess compatibility with the AfCFTA Digital Trade Protocol before Second Reading, resolve identified inconsistencies, and ensure alignment with Kenya's UNESCO, African Union, and Global Digital Compact commitments.

Mr. Ian Limo Chirchir

1180. Mr. Ian Limo Chirchir made the following general observation: Prioritise locally developed or Kenyan-controlled AI for public systems and require foreign AI firms serving Kenya to maintain local technical teams for support and skills transfer.

Mr. Raphael Ngigi

1181. Mr. Raphael Ngigi made the following general observation: Fast-track the Bill and support the admissibility of digital photographs as primary evidence in traffic matters to improve enforcement and reduce court delays.

Ms. Susan Gatura (Phoenix KE Analytics)

1182. Ms. Susan Gatura (Phoenix KE Analytics) made the following general observation: Defer passage until a comprehensive national AI policy is completed through meaningful participation by grassroots technology communities, independent training organisations, and data practitioners.

Mr. Derrick Macharia (Pawanax AI)

1183. Mr. Derrick Macharia (Pawanax AI) made the following general observation: Use locally informed technical expertise to revise the Bill so that national security and data sovereignty are strengthened without importing barriers that only foreign technology firms can afford.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Observations

1184. The Committee having considered the stakeholder submissions on the Bill, noted that notwithstanding the positive governance initiatives proposed in the Bill, the consensus among stakeholders was that there exists an evident gap in a national policy framework and a sector-led initiative.

1185. Accordingly, the Committee observed as follows: -

4.1.1 Absence of a Foundational Policy Framework

1186. That a primary and recurring theme from stakeholder submissions is that the Bill is premature without the foundation of a national artificial intelligence framework. Legislative best practices require that legislation draws its provisions from a national policy framework that provides the legislative vision for the particular sector it seeks to regulate.

1187. That institutional synergy with the Ministry of ICT is necessary for the development of a comprehensive Bill. The progression of Artificial Intelligence is fast changing giving rise to difficulties in predictability of emerging trends and imposing requisite regulatory and compliance requirements. It is therefore necessary to involve the insights of the Executive in the formulation of a Bill on AI.

1188. That the Ministry of ICT has developed the Kenya AI Strategy 2025-2030 and is in the final stages of publishing the National AI and Emerging Technologies Policies that will provide a national framework on regulation of AI. The AI Strategy and forthcoming policy have been developed on the basis of wide institutional and individual public participation and further include global best practices. It would therefore be prudent to incorporate the salient provisions of the AI policy and strategy into the Bill.

1189. That a central concern among stakeholders is that the Bill may regulate AI too broadly, too early and too punitively for Kenya's current stage of digital and

innovation ecosystem development.¹ Many jurisdictions are adopting a cautious, phased, innovation-friendly and policy-led approach to AI governance recognizing that technology, standards and Institutional capacities are still evolving. Frameworks such as the European Union, the Organisation for Economic Co-operation and Development and the Singapore Model generally emphasise risk-based regulation, sector-led oversight and proportional compliance obligations rather than broad underdevelopment.

1190. That the Country's Institutional and administrative and enforcement capacities for such an expansive regime may not yet be sufficiently mature. Further, that a more effective approach will be policy anchored and innovation friendly.
1191. That the Bill is overly aligned with large corporate, EU Style regulatory model that does not reflect the realities of local developers, small startups and individual innovators in Kenya. The Committee noted that kenyan users of AI do not build foundational models but instead integrate existing, foreign platform AI tools into new-local applications such as chatbots, automation tools, education aids and small business solutions. Accordingly, the Bill should take into account local features of AI usage which will be encompassed in a foundational national AI policy.
1192. That passing the Bill prior to the formulation of the AI policy may result in legal and constitutional inconsistencies, set a precedent for fragmented governance of strategic technologies and introduce critical overlaps and misaligned regulatory policy framework devoid of established global best practice

4.2.2 Technical Prematurity

1193. That the Bill's regulatory design does not align with operational realities as the Bill assumes a level of centralised regulatory control whereas AI systems are typically developed, trained and deployed across distributed, multi-actor and often cross border environments. Consequently, the Committee observed that a foundational national AI policy should provide a strong basis for technical and regulatory alignment.
1194. That the Bill does not address General Purpose AI Models or foundational systems. The Committee noted that thus would be best addressed in a National Policy that will then set the stage for the downstream regulatory measures that the Bill seeks to

enforce on secondary AI system deployers.

1195. That the Bill does not adequately address cross-border AI governance and assumes localized control of AI Systems despite the distributed nature of AI Development and deployment. The Committee notes that this will create a practical enforcement gap particularly for systems developed and controlled outside Kenya but deployed locally. The National Policy is best placed to provide preliminary guidance on cross-border governance.
1196. That the Bill does not adequately address lifecycle governance and provides limited guidance on post-deployment monitoring, system updates and evolving risk profiles. Consequently, the Bill is heavily weighted toward initial compliance with a corresponding mechanism for ongoing supervision and accountability. A policy framework will therefore provide guidance on entire life-cycle AI regulation.
1197. That the Bill places significant emphasis on pre-deployment compliance with limited provision for post-deployment governance. As a result, there is no clear framework for managing performance drift, system updated or evolving risk profiles.
1198. That there is need for a compliance framework that allows for phased compliance and ongoing supervision thus aligning regulatory obligations with the lifecycle of AI Systems and better reflect operational realities.
1199. That several stakeholders presented reservations regarding the definition of the term “Artificial Intelligence” in the Bill. The prevailing opinion is that the technical definition in the Bill is too broad and does not encompass various aspects of AI that will then lead to exclusion of various important regulatory issues.
1200. That there is need to have clear technical standards and implementation guidelines in policy before attempting to regulate the sector through the Bill whose administrative and oversight structures are rigid in the absence of the Policy.

4.3.3 Institutional Fragmentation and Regulatory Overlap

1201. That the Committee has observed that a significant number of stakeholders have expressed concerns that the Bill creates unnecessary and confusing bureaucratic structures. This further entails jurisdictional conflict between the functions of the AI Commissioner and the Office of the Data Protection Commissioner, therefore creating institutional overlaps.

1202. That the creation of multiple oversight authorities may increase the fiscal burden on the country's consolidated fund and that some of the functions set out in the Bill may be well carried out by institutions such as the Communications Authority of Kenya and the Office of the Data Protection Commissioner. This will alleviate "compliance confusion" and the massive public expenditure required for the new oversight structures created in the Bill.

1203. That a key Stakeholder concern was the creation of a "Super Regulator" in the Office of the AI Commissioner. The Committee noted that the Office concentrates administrative, supervisory, enforcement and quasi-adjudicative functions that may result in regulatory overreach especially where statutory bodies with a similar mandate exist.

4.4.4 Risks to the Innovation Ecosystem and Economy

1204. That the Bill places significant compliance, documentation and liability burdens on AI providers without distinguishing between large model developers and small-scale integrators. This will inadvertently discourage innovation, increase operational costs for small scale businesses and create legal uncertainty for developers who are simply using publicly available APIs for benign, low-risk purposes.

1205. That several stakeholders identified the onerous pre-operation compliance requirements for the deployment of high-risk AI systems. This includes the requirement to maintain extensive records and ensure explainability and traceability prior to deployment. The Committee observed that this is likely to affect small or less resourced entities.

1206. That the penalties, including heavy fines and potential criminal charges are disproportionate to the activities many local developers whose work is experimental, non-commercial and seeks to improve local access to technology rather than causing harm

1207. That a significant concern had been raised by stakeholders regarding over-regulation that may result in the relocation of innovation and will not eliminate risk but will instead cause Kenyan developers to move their operations and intellectual property to more balanced jurisdictions.

1208. That the Bill fails to address the question of AI and emerging technology sovereignty, potentially leaving Kenya as a mere consumer of foreign systems rather than a

producer. Consequently, the committee observes that this issue will be best addressed in the national AI policy.

4.4.5 General Comments

1209. The Committee having comprehensively considered the stakeholder submissions noted the prevailing consensus that the Bill, while being an appropriate step towards regulating the usage of AI in the country, it requires extensive sector-led regulatory engagement. This engagement from an institutional perspective should be led by the Ministry of ICT in establishing a comprehensive policy framework on Artificial Intelligence and Emergent Technologies.

4.2 Recommendations

1210. Having considered the Bill and the submissions received, the Committee recommends that the Senate does not proceed with the Artificial Intelligence Bill, 2026 (Senate Bills No. 04 of 2026).

LIST OF APPENDICES

Appendix 1: List of Stakeholders who Submitted Written Memoranda on the Bill

Appendix 2: Copy of the Artificial Intelligence Bill, 2026 (Senate Bills No. 4 of 2026)

Appendix 3: Submissions received from Stakeholders and Public Participation Matrix

Appendix 4: Minutes of the Committee

Appendix 5: Advertisement as published in the Daily Nation and the Star News
Paper

Appendix 6: Proposed Committee Stage Amendments to the AI Bill