

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 27th March, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I believe we do have a solution to that problem in this House because we rely on technology. We have iPads in front of us. So, I would involve the Clerk's office; once they receive this information to share it here so that any Senator who wants, can get into our intranet and get that information. They could also send it to individual Senators.

(Applause)

I stand here and I bear witness that the Controller of Budget has already instructed the regional controller of budget officers to communicate with the elected Senators of counties. The Controller of Budget has communicated to me. I have received certain information from her---

In addition to that information being send to individual Senators, I suggest that it be also shared with the Clerk, so that it can be posted in our intranet and then each Senator can get it. If it is Migori County, he will compare it with Narok County.

INCREASED INSECURITY IN MARSABIT COUNTY

PROTECTION OF CUSTOMER DATA BY TELECOMMUNICATION COMPANIES

Sen. Olekina: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.48(1), I rise to seek a statement from the Standing Committee on Information, Communication and Technology on protection of customer data by telecommunication corporations or companies. In the Statement, the Committee should-

(1) Explain the regulatory framework for financial transactions, including loans and promotions transacted through mobile telecommunication companies.

(2) Explain whether the interest charged on loans and other credit facilities advanced to customers by or through mobile telecommunication companies adhere to the law on interest capping.

(3) Explain measures put in place to ensure lending services by telecommunication companies do not bring down the economy in case companies collapse or shut down.

(4) State whether financial services being offered by the telecommunication companies can be delinked from those companies and registered as financial companies.

(5) Explain measures put in place to protect customer data obtained by mobile telecommunication companies and other companies using the mobile platform for financial promotions from falling in the hands of criminal entities or being used for identity theft.

(6) State whether mobile telecommunication companies have Unstructured Supplementary Service Data (USSD) code that customers can use to check for services registered under their mobile phones and national identification numbers.

(7) State whether mobile telecommunication companies can set up a mechanism to alert mobile phone users when their national identification numbers are used to register a new phone number.

(8) State whether mobile telecommunication companies and third parties such as banks have a safe data sharing platform between each other for the purpose of protecting the customer, for example, the reversal of erroneous financial transactions.

Sen. Olekina: On a point of order, Mr. Deputy Speaker, Sir. This is a weighty matter that I have requested under Standing Order No.48(1), but I have not heard you committing it to a committee.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker. I beg to move that the House do agree with the Committee of the Whole on the said Report. I request Sen. Olekina to second.

Sen. Olekina seconded.

Sen. Nyamunga: Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) and seeks leave to sit again tomorrow.

Sen. Olekina seconded.

The Temporary Speaker (Sen. Pareno): Could we hear from the Mover.

Sen. Olekina: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Malalah to second.

The Temporary Speaker (Sen. Pareno): Kindly, do the necessary, Sen. Olekina.

Sen. Olekina: Madam Temporary Speaker, I beg to move that The County Oversight and Accountability Bill (Senate Bills No. 28 of 2018) be now read a Second Time.

This Bill is divided into four parts. Part I of the Bill sets out the preliminary issues, including definition of various terms used, and most importantly, the object and purpose of the Bill.

Part II of the Bill sets out the criteria for public participation facilities. Under this Part are matters touching on planning, implementation, funding and creating these facilities.

Part III of the Bill deals with the oversight and public participation provision of the Bill. Under this part is the oversight of county revenue allocated by the national Government, the oversight and public participation programme to be carried out by the Senator of each of the 47 counties, the oversight office and the role of the county assembly in the context of this Part.

Part IV of this Bill contains the miscellaneous provision which grants the County Executive Committee (CEC) of the respective county, powers to make regulations and better implementation of the Bill.

Madam Temporary Speaker, when you look at the current budget-making process in the county governments, mostly the citizens are not involved. This Bill seeks to involve them from the onset of making the county budgets.

Recently, we were looking at the overall Budget Policy Statement (BPS). When it is now taken to the county governments to be able to interpret it, they come up with various ways of how they can develop their counties. When I sat down and thought about my county of Narok, for instance, we have six constituencies where sometimes, not all of them benefit. This Bill, therefore, sets out to ensure that every person in Kenya, regardless of which constituency they come from, have their life touched by the money which is devolved.

The main purpose of this Senate as enshrined in Article 96 of the Constitution, is to protect the interests of the county governments and their people. If a governor sits in the county headquarters, comes up with a budget and decides at his or her own wish that he is going to develop a certain part of the county and not another, this Bill once it becomes law, ensures that in each and every ward, a public participation hall is constructed.

Madam Temporary Speaker, once this public participation hall is developed, the residents of that ward would be involved during the budget-making process. If in that ward, for instance, they have a problem of a health centre, there is no reason or justification for a governor to prioritize the construction of a road.

Secondly, as a Senator, you are also able to use this facility to engage the people on the ground on matters development. We have a big debate on what the Member of County Assembly (MCAs) wanted which was to have a Ward Development Fund. The reason was that some of them were feeling that the governors were not getting services to their people.

Madam Temporary Speaker, once this Bill becomes law, the Auditor- General or the Controller of Budget will get an opportunity to meet with the citizens of each ward and say: "In this county we have been able to disburse "X" amount of money". Based on the budget that was developed by your county, we see that ward "A" was supposed to get a hospital. If that hospital was not build there, it will be easy to call the governor to account. As we speak, there is no such mechanism.

I dare say that this Bill defines the role of this House. This is because when we look at Part II, these public participation halls which are to be developed would be public assets. I know in other jurisdictions, you will find that governments will go and speak to the people in town halls and discuss their issues.

When we politicians go and meet people in our county governments, we do not have a defined place for public participation. We talk to them under a tree, in churches and at funerals. When MCAs are sitting down in their assemblies, sometimes they do not know what the overall goal of the governor is.

Madam Temporary Speaker, because of time, I will respond later when I get more time once this Bill has been debated upon. I would like to request that Sen. Malalah comes in and seconds it, but before that, looking at the way funds are devolved in the counties, right now we are having serious problems. We are looking at 47 Audit Reports from the County Public Accounts and Investments Committee (CPAIC). We are looking at 47 reports for the assemblies and the county executive committees.

Those Reports which we are looking at do not have any input of the citizens. Once we make this law, it would then be possible to cross-reference what the Auditor-General is saying in the report. Even the citizens can read the report and confirm that indeed a hospital was not built there and yet it was indicated in the budget of the county government that a hospital would be built there.

The other thing which will also help once this Bill becomes law is that it will define clearly how on-source revenue is accounted for. Today I was very happy to read that Nairobi City County is leading in collection of on-source revenue. Collecting Kshs10 billion a year is something which is very commendable.

Once we have this Bill in place, the county governments can easily say they were able to collect a certain amount of money, for example, from a particular ward. They will be able to involve the citizens of that ward and tell them to prioritise on services that they want to reach them and we can easily narrow this gap between the rich and the poor. We have serious challenges in terms of marginalisation; the only way we can effectively use the funds for the marginalized is once the citizens are involved.

With those few remarks, I beg to move that the Bill be read a second time and request Sen. Malalah to Second.