

Friday, March 22, 2013

The Permanent Secretary
Ministry of Information & Communication
Republic of Kenya

Dear Dr. Ndemo,

RE: Proposed National Public Key Infrastructure

I am writing this letter in my capacity as a private citizen of the Republic of Kenya and as a stakeholder in Kenya's information and communication technology (ICT) sector.

I am writing with specific reference to the proposed National Public Key Infrastructure, a project being undertaken by your Ministry under the auspices of the Kenya ICT Board. I have had the opportunity to participate in the "Kenya National PKI Seminar" which took place on Wednesday the 20th of March 2013 at the Safari Park Hotel in Nairobi. During this event I learnt about the proposed project, the project implementation partners, as well as the proposed model for implementation. While it had been my understanding that the seminar was intended to be a stakeholder consultation aimed at discussing and reviewing the proposed plans with stakeholders it turned out that the seminar was merely a presentation of the plans to the public. I am therefore taking this opportunity to present my own submission regarding the currently proposed model for implementation.

In making this submission I have taken several facts into consideration:

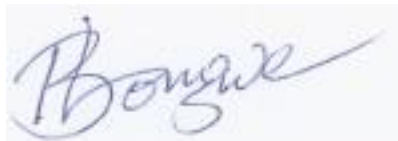
1. The law that governs this project is the Kenya Information and Communications Act (KICA) CAP 411A
2. The section of the Act that governs this project is Section 83
3. Section 83 explicitly states that a license is required for operation of a certificate authority
4. According to the Act, the Communications Commission of Kenya is the only body that can issue a license as required

On the basis of the above it then becomes abundantly clear that the CCK is placed in a position of conflict of interest and other harm if the currently proposed plan was to be implemented. This is because, according to the current plan, CCK is supposed to have licensing/auditing responsibility (firmly enshrined in the Act) but also to the **operator** of the Root CA. It is therefore recommended that this plan be reviewed with immediate effect, to correct this anomaly.

To this end I have attached a one-page document with a proposed hierarchical structure for the implementation of the national PKI. Please note that there is already a precedent for this hierarchy in the form of the Kenya Network Information Centre (KENIC), which administers the country domain and Kenya's cctld .KE. It is also not a coincidence that both domain names and electronic transactions are covered under the same section and sub-sections of legislation.

I therefore humbly submit to your guidance and direction on this matter.

Yours sincerely,



Brian Munyao Longwe

cc:

- Mr. Paul Kukubu, CEO, KICTB
- Mr. Evans Kahuthu, Project Manager, KICTB