

## **COMMENTS BY KENYA DIASPORA ALLIANCE (KDA) ON THE DRAFT IEBC/ICT REGULATIONS**

Article 4(2): Do 'special needs' here include Diaspora?

19: IEBC should rely on more than 1 telecom service provider for resilience

23: What penalty for telcos which fail to provide network security and availability?

Apart from Agreement with telcos, how about Agreements with other infrastructure service providers, especially power (possibly also more than 1 including back-up solar systems)

26: Suspension of technology – should be only after consultation with the Technical Committee

31(1)(d): How do we define 'Stakeholders'? Diaspora should be included.

31(2)(b): Not only receive updates, but also review and advise on corrective measures

33: I guess by Technology Service Provider, we mean 'Telecom' Service Provider (TESPOK)

We should also include Computer Society of Kenya (CSK) or any such comparative ICT/IT professional body

Also a Diaspora community representative, and a Representative of the subsidiary infrastructure service providers (e.g. KPLC)

We don't think all Commissioners should be members; perhaps only 1 or 2 representatives

36: I don't think the Commission should Chair the Committee. The Committee should elect its own Chair from among the Members, preferably a senior, respectable ICT/IT expert

37: Not Commission deciding meetings, but the Chair, in conjunction with the CEO IEBC, who should also be the Committee's Secretary

38: Allowances – add 'in line with Government's public service guidelines and regulations' in order to avoid possible abuse

41: Non-disclosure of technology info: why limited only to Commission Staff, but not also Committee Members?

Does Kenya have provision for election technology to be declared 'critical infrastructure'? If it does, we should consider declaring 'Voting/Electoral Technologies' Critical Infrastructure befitting the necessary cover and protection like other similar infrastructures (military/defence, power, aviation/transport, etc). See for instance: <https://www.dhs.gov/critical-infrastructure-sectors>.

## **ANNEX: COMMENTS BY AN EXPERT FRIEND OF KDA (MR DAVID MATHIESON, UK)**

From: **David Mathieson** <DGIM@compuserve.com>

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CC: [Shem Ochuodho](#)

31 Oct at 4:39 PM

I have been asked by friends in Kenya to comment on the proposed ICT Regulations, based on my long experience as an IT Director, Programme Manager and Consultant, and my 17 years as Director / Treasurer of Electoral Reform International Services (ERIS) and advisor to electoral commissions in eastern and southern Africa.

I strongly commend both the proposed regulations and the motivation behind them. While the regulations may no doubt be adjusted or clarified in many ways, they describe exactly what I would do when asked to organise the ICT for an election commission, or would advise any commission to do when setting up its ICT functions and data centre. Documenting these as formal regulations also serves to commit non-technical Commissioners and other stakeholders to supporting what is required to successfully develop and implement such technologies and so deliver a successful election.

I have also developed and implemented similar rules for commercial clients in the UK and Europe.

The adoption of these regulations will highlight some of the problems facing the IEBC and the true scale of the work to be done, including:

- ) The need for a strong programme manager, able to develop and deliver the ICT programme, with the political support to be able to hold suppliers and other agencies to account, and to avoid being forced into unrealistic compromises and timescales;
- ) Experienced project and technical staff to support the programme manager;
- ) Sufficient funds and resources: the biometric voter registration is not cheap, but experience shows that the work to ensure that staff are trained, systems work, and the quality of the voter register is good enough, can cost as much again as the original hardware;
- ) Time to do the work. The requirement to do public testing and demonstrations, followed by formal certification, is absolutely the right way to work, but it implies that before the public testing the systems have been set up, staff trained, and there has been rigorous testing in private. Any public performance depends on everyone learning their part and rehearsing together before the public is invited.

I know little of the Secretariat and the ICT staff, but the what I have heard from contacts has been positive and I would have few fears there. The funding depends on Government and Donors. BUT: I would be very concerned at the time available. I would have planned for a year of work between agreeing the programme and starting full public biometric registration, and there are only months remaining to the election.

The new Commission and the Secretariat have an enormous challenge, and I can only wish them the best of good fortune.

Regards

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