



LEGAL NOTICE NO.....

**THE KENYA INFORMATION AND COMMUNICATIONS ACT,
(Cap. 411A)**

**THE KENYA INFORMATION AND COMMUNICATIONS ACT
(CONSUMER PROTECTION) REGULATIONS, 2026**

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**THE KENYA INFORMATION AND COMMUNICATIONS
ACT
(Cap. 411A)**

IN EXERCISE of the powers conferred by sections 27, 38, 39, 46K, 66 and 83R of the Kenya Information and Communications Act, the Cabinet Secretary for Information, Communications and the Digital Economy, in consultation with the Communications Authority of Kenya, makes the following Regulations—

**THE KENYA INFORMATION AND COMMUNICATIONS
(CONSUMER PROTECTION) REGULATIONS, 2026**

Citation.

1. These Regulations may be cited as the Kenya Information and Communications (Consumer Protection) Regulations, 2026.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

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“Act” means the Kenya Information and Communications Act;

“advertise” means to publish, broadcast or otherwise disseminate information in return for payment or other valuable consideration for the purpose of promoting or supplying a product or service;

“child” means a person under the age of eighteen years;

“commercial code of practice” means a document developed by a licensee setting out its policies, procedures and standards governing the provision of services to consumers;

“complaint” means an expression of dissatisfaction by a consumer relating to the goods or services of a licensee;

“consumer” means a user, recipient or beneficiary of information, communication and technology goods or services or a person to whom such goods or services are marketed;

“customer” means any person who uses or purchases the goods or services of a licensee or vendor;

“disability” has the meaning assigned to it under the Persons with Disabilities Act;

“harmful content” means content that is unlawful or inappropriate for access by children or that poses a risk to public safety, including violent, abusive or sexually explicit content;

“misleading representation” means any representation, whether oral, written or visual, that is false, deceptive or likely to mislead a consumer;

“outage credit” means compensation to a subscriber for loss or interruption of service not attributable to the subscriber;

“service agreement” means an agreement between a licensee and a subscriber for the provision of communications services;

“subscriber” means a person who has entered into a service agreement with a licensee;

“unsolicited communication” means any communication made for direct marketing purposes without the prior consent of the recipient;

“vendor” means a person engaged in the sale, resale or distribution of ICT terminal equipment used for the provision of licensed services.

Objects.

3. The objects of these Regulations are to—

- (a) protect the rights of consumers of information, communication and technology goods and services, including rights to accurate information, fair billing and data protection;
- (b) establish minimum standards for service delivery, customer care and complaint handling by licensees and vendors;
- (c) safeguard children and other vulnerable users from harmful content;
- (d) ensure the confidentiality and lawful processing of consumer information in accordance with the Data Protection Act and other applicable law; and
- (e) promote fair, transparent and non-discriminatory practices in the marketing,

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sale and provision of communications services and ICT terminal equipment.

PART II—PROTECTION OF CONSUMERS

Rights and obligations
of customers.

4. (1) A customer shall have the right to—

- (a) receive clear, accurate and sufficient information on services, tariffs, terms and conditions;
- (b) be charged only for services that the consumer has expressly subscribed to;
- (c) access services of comparable quality on a non-discriminatory basis;
- (d) privacy and protection of personal data in accordance with applicable law;
- (e) accurate, verifiable and comprehensible billing;
- (f) protection against unfair, misleading or deceptive trade practices; and
- (g) fair and timely resolution of complaints and disputes.

(2) A consumer shall—

- (a) use communications services in a lawful and responsible manner;

- (b) comply with the terms of any service agreement entered into; and
- (c) observe applicable safety and security requirements.

Safeguards for
provision of services.

5. (1) A service provider shall implement technical and organizational measures to ensure—

- (a) the security and integrity of its networks and services; and
- (b) the protection of consumers from fraud, abuse or unauthorized access.

(2) Where a material risk to network or service security arises, a licensee shall—

- (a) promptly notify affected customers; and
- (b) where applicable, inform consumers of available mitigation measures.

Provision of services
and ICT equipment.

6. (1) A vendor or licensee supplying ICT terminal equipment shall—

- (a) provide accurate and sufficient information on the nature, condition and functionality of the equipment;
- (b) disclose, where applicable, type approval or compliance status; and
- (c) ensure that equipment supplied is fit for its intended purpose.

(2) A vendor shall honour all agreements entered into with a buyer, through the sale of terminal equipment and shall ensure that such equipment is fit for purpose at the time of sale.

(3) A vendor or licensee shall ensure that all representations, advertisements and product labelling are accurate, clear and not misleading.

Customer care system.

7. (1) A licensee shall establish and maintain a customer care system for its customers.

(2) The customer care system shall—

- (a) be accessible to all consumers, including persons with disabilities;
- (b) provide multiple channels for consumer engagement, including physical, electronic and call-based platforms;
- (c) include mechanisms for receiving, recording and responding to consumer inquiries and complaints; and
- (d) ensure timely and effective support to consumers.

Complaint handling procedures of licensees.

8. (1) A licensee shall establish and implement complaint handling procedures for the resolution of consumer complaints.

(2) The complaint handling procedures shall—

- (a) be simple, transparent and accessible;
- (b) be available in a manner that is accessible to persons with disabilities; and
- (c) be communicated to consumers in a clear and comprehensible manner.

(3) A licensee shall—

- (a) acknowledge receipt of a complaint within a reasonable period, but in any case, not later than three days of receiving the complaint;
- (b) provide a reference or tracking mechanism for each complaint;
- (c) resolve complaints within such period as may be specified by the Authority; and
- (d) inform the consumer of the outcome of the complaint and any available escalation mechanisms.

(4) Complaint handling services shall be provided free of charge.

(5) Where a complaint is not resolved to the satisfaction of the consumer, the consumer may refer

the complaint to the Authority in accordance with procedures prescribed by the Authority.

(6) A licensee shall maintain records of complaints and submit a report to the Authority in the manner periodic reporting period set out on the condition of a license.

Protection of children
and vulnerable users.

9. (1) A licensee shall implement appropriate measures to protect children and other vulnerable users from exposure to harmful content.

(2) Without limiting sub-regulation (1), a licensee shall—

- (a) provide mechanisms that enable parental or guardian control over access to content; and
- (b) take reasonable steps to restrict access to content that is unsuitable for children.

(3) A licensee shall not promote or facilitate the access of harmful content to children.

Information for
consumers.

10.(1) A licensee shall provide consumers with clear, accurate and up-to-date information on—

- (a) available services;
- (b) applicable tariffs, charges and fees;
- (c) terms and conditions of service; and
- (d) any limitations or restrictions affecting the service.

(2) The information under sub-regulation (1) shall be—

- (a) easily accessible; and
- (b) presented in a clear and comprehensible manner.

(3) At the point of sale, a licensee shall provide, where applicable—

- (a) the identity and contact details of the licensee;
- (b) applicable activation or access charges;
- (c) recurring charges and billing structure; and
- (d) any other material information necessary for an informed decision.

(4) The Authority may, on an annual basis, publish comparative or sector information for the benefit of consumers.

Outage credit system.

11.(1) A licensee shall establish and implement a system for compensating subscribers for service interruptions not attributable to the subscriber.

(2) The outage credit system shall—

- (a) provide for automatic or claim-based compensation to affected subscribers;

- (b) specify the method for calculating compensation, including duration and extent of service interruption;
- (c) ensure that compensation is proportionate to the period of unavailability of the service; and
- (d) be transparent, fair and non-discriminatory.

(3) A licensee shall submit its outage credit system to the Authority for approval prior to implementation.

(4) An approved outage credit system shall form part of the standard subscriber service agreement.

(5) A licensee shall not be liable for outages arising from circumstances beyond its reasonable control or force majeure events.

Code of commercial practice.

12.(1) A licensee shall develop and implement a commercial code of practice governing its engagement with consumers.

(2) The commercial code of practice shall include—

- (a) service quality commitments;
- (b) complaint handling procedures;
- (c) billing, charging and refund practices;
- (d) outage credit arrangements;
- (e) customer care standards; and

(f) consumer information and disclosure practices.

(3) A licensee shall notify the Authority of its commercial code of practice prior to implementation.

(4) Where the Authority determines that a commercial code of practice does not comply with these Regulations, it may require the licensee to amend the code within a specified period.

(5) A licensee shall publish its commercial code of practice filed with the Authority in a manner accessible to consumers.

(6) The commercial code of practice shall—

- (a) be consistent with these Regulations and applicable law; and
- (b) not diminish the rights of consumers.

(7) A licensee may amend its commercial code of practice provided that the amendments are notified to the Authority in accordance with this regulation.

Standard subscriber service agreements.

13. (1) A licensee shall prepare standard subscriber service agreements for each category of service offered to consumers.

(2) The standard subscriber service agreement shall include—

- (a) the description and scope of the service to be provided;
- (b) applicable tariffs, charges and payment terms;
- (c) the rights and obligations of the licensee and the subscriber;
- (d) service quality commitments and applicable limitations;
- (e) complaint handling and dispute resolution mechanisms;
- (f) outage credit arrangements;
- (g) conditions for suspension, restriction or termination of service; and
- (h) procedures for amendment or variation of the agreement.

(3) A licensee shall submit each standard subscriber service agreement to the Authority for approval prior to implementation.

(4) The Authority may within seven days—

- (a) approve the agreement;
- (b) approve the agreement subject to specified modifications; or
- (c) reject the agreement with reasons.

(5) A licensee shall not implement or enforce a subscriber service agreement that has not been approved by the Authority.

(6) A licensee shall ensure that every subscriber service agreement—

- (a) is fair, transparent and not misleading;
- (b) is written in clear and plain language;
- and
- (c) does not exclude or limit consumer rights provided under these Regulations or any other written law.

(7) A licensee shall make its standard subscriber service agreements readily accessible to consumers prior to and at the point of subscription.

(8) Any amendment to a standard subscriber service agreement shall be submitted to the Authority for approval prior to implementation.

Confidentiality of
consumer information.

14.(1) A licensee shall ensure the confidentiality and security of consumer information obtained in the course of providing communications services.

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(2) A licensee shall process personal data in accordance with the Data Protection Act.

(3) A licensee shall not disclose consumer information to any person except—

- (a) with the consent of the consumer;
- (b) where required or permitted under any written law; or

(c) where necessary for the provision of the service and subject to appropriate safeguards.

(4) A licensee shall implement appropriate technical and organisational measures to prevent—

- (a) unauthorised access;
- (b) unlawful disclosure; or
- (c) loss or destruction of consumer information.

(5) A licensee shall ensure that consumers are informed, in a clear and accessible manner, of—

- (a) the nature of information collected;
- (b) the purpose for which the information is collected; and
- (c) any disclosure of such information to third parties, where applicable.

Operator assistance.

15. (1) A licensee shall provide operator assistance services to consumers where such services form part of the licensed service.

(2) Operator assistance services shall—

- (a) be accessible to consumers, including persons with disabilities; and
- (b) meet reasonable standards of availability and responsiveness.

(3) A licensee shall ensure that consumers are informed of the availability and applicable charges, if any, for operator assistance services.

Unsolicited
communications.

16. (1) A person shall not send unsolicited communications for purposes of direct marketing without the prior consent of the recipient.

(2) A person who sends a communication for purposes of direct marketing shall—

- (a) clearly identify the sender and, where applicable, the person on whose behalf the communication is made; and
- (b) provide a valid and functional mechanism through which the recipient may opt out of receiving further communications.

(3) Direct marketing communications using communications networks or services shall be conducted on the basis of an opt-in principle, whereby a person shall not be included in a marketing list without that person's prior consent.

(4) A licensee shall take reasonable measures to prevent the use of its networks and services for the transmission of unsolicited communications in contravention of this regulation.

(5) For the purposes of this regulation, consent shall be obtained in accordance with applicable data protection laws.

Presentation and restriction of calling and connected line identification.

17.(1) A licensee shall ensure that its systems are capable of providing calling line identification to subscribers.

(2) A licensee shall ensure that a recipient of any communication is capable of determining the calling line identity of the party originating the communication or transmitting the information.

Transmission of information of national public interest.

18.(1) A licensee shall, where required by the Government in accordance with any written law, facilitate the transmission of information of national public interest through its networks and services.

(2) A requirement under sub-regulation (1) shall—

(a) be lawful, necessary and proportionate;
and

(b) specify the nature, scope and duration of the information to be transmitted.

(3) A licensee shall not be held liable for the content of information transmitted in compliance with this regulation.

(4) A licensee may be entitled to reimbursement of reasonable and verifiable costs incurred in complying with this regulation.

Emergency services.

19.(1) A licensee shall provide access to emergency communications services in accordance with the Act and these Regulations.

(2) Access to designated emergency numbers shall be provided free of charge to users.

(3) A licensee shall, where technically possible, forward any useful personal data to the designated emergency services providers upon connecting emergency calls.

(4) The Authority shall designate the emergency numbers to which this regulation applies.

Billing system.

20.(1) A licensee shall ensure that its billing systems are accurate, reliable and capable of generating verifiable records of usage and charges.

(2) A licensee shall issue to subscribers clear, accurate and comprehensible bills that include—

- (a) the billing period;
- (b) a breakdown of charges incurred;
- (c) applicable tariffs or rates;
- (d) the total amount payable; and
- (e) the due date for payment.

(3) A licensee shall put in place a mechanism through which a subscriber may request an itemized bill free of charge showing sufficient detail to enable verification of charges.

(4) A licensee shall ensure that subscribers are informed in advance of any changes to tariffs, charges or billing practices.

(5) A licensee shall establish procedures for the investigation and resolution of billing disputes.

(6) A licensee shall not impose charges for services not requested or authorised by the subscriber.

Discontinuation of operations.

21.(1) A licensee shall not discontinue the provision of a service without prior approval of the Authority.

(2) A licensee intending to discontinue the provision of a service shall notify the Authority and affected subscribers at least three months prior to the intended discontinuation.

(3) The notice under sub-regulation (2) shall include—

- (a) the reasons for discontinuation;
- (b) the effective date of discontinuation; and
- (c) the implications for affected subscribers;
- (d) the options available to subscribers, including migration or termination.

(4) A licensee shall submit to the Authority, for approval, a subscriber transition plan setting out—

- (a) the number and categories of affected subscribers;

- (b) proposed measures for migration to alternative services or providers, where applicable;
- (c) consumer notification procedures; and
- (d) complaint handling and dispute resolution arrangements.

(5) A licensee shall ensure that affected subscribers—

- (a) are able to terminate services without penalty;
- (b) are refunded any unused balances or deposits due; and
- (c) are not subjected to unfair or adverse terms as a result of the discontinuation.

(6) A licensee shall implement the approved transition plan and ensure continuity of consumer protection during the transition period.

PART III—MISCELLANEOUS PROVISIONS

Monitoring sector
performance.

22. The Authority shall monitor sector performance, conduct consumer satisfaction surveys, and publish its findings at least once every two years.

Offences.

23. A person who contravenes any provision of these Regulations commits an offence and is liable on conviction to a fine not exceeding one million

shillings or to imprisonment for a term not exceeding six months, or to both.

Period of compliance.

24. (1) A licensee shall take all necessary measures to comply with these Regulations within three months from the date of commencement.

(2) Despite sub-regulation (1), the Authority may, on application by a licensee and for good cause shown, grant a limited extension of time for compliance.

Revocation.

L.N. No. 54 of 2010.

25. The Kenya Information and Communications (Consumer Protection) Regulations, 2010, are hereby revoked.

Made on the....., 2026.

William Kabogo Gitau,

Cabinet Secretary,

Ministry of Information, Communications and the Digital Economy.