

DECISION-MAKING PROCEDURES AND PROCESSES AT THE COMMUNICATIONS AUTHORITY OF KENYA

The Communication Authority of Kenya (CA) is the regulatory agency for the ICT industry in Kenya with responsibilities in telecommunications, e-commerce, broadcasting, postal/courier services and cyber security.

The CA is also responsible for managing the country's numbering and frequency spectrum resources, administering the Universal Service Fund (USF) as well as safeguarding interests of consumers of ICT services.

The Authority's activities, whose management is vested in the Board of Directors, are grouped into functional areas also known as departments. The Authority has adopted a flat organization structure to ensure that business processes are conducted effectively and efficiently.

The organization structure is dynamic and is, therefore, reviewed from time to time to align it with market trends, as well as the prevailing policy, legal, and regulatory realities.

1. ORGANIZATIONAL STRUCTURE

| FUNCTIONAL AREAS | KEY RESPONSIBILITIES | DIRECTLY SUPERVISES |
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| Board of Directors | The overall decision-making organ of the Authority with oversight responsibilities and providing leadership and direction | <input type="checkbox"/> Director-General <input type="checkbox"/> Universal Service Advisory Council |
| Director-General (DG) | Provide overall executive leadership and ensure strategic focus of the Authority Responsible for day-to-day management of the Authority as the Chief Executive and sits in the Board as an ex-officio member. The Director General reports to the Board | <input type="checkbox"/> Assistant Director Generals |
| Assistant-Director Generals (ADG) | Provide expert advice to the DG on the respective functional area and provide leadership and guidance to the specific directorates they are responsible for. Prudent management and optimum utilization over the resources under their Directorates. | ADG/Communication & Infrastructure <input type="checkbox"/> Director/Frequency Spectrum Management <input type="checkbox"/> Director/Multi-media Services <input type="checkbox"/> Assistant Director/Cyber Security & E-Commerce ADG/Regulation & Access <input type="checkbox"/> Director/Competition, Tariffs & Market Analysis <input type="checkbox"/> Director/Licensing, Compliance & Standards |

| FUNCTIONAL AREAS | KEY RESPONSIBILITIES | DIRECTLY SUPERVISES |
|-------------------------------|---|--|
| | | <input type="checkbox"/> Director/Legal Services ADG/Business Support <input type="checkbox"/> Director/Human Capital & Administration <input type="checkbox"/> Director/Finance & Accounts <input type="checkbox"/> Director/Information Technology & Enterprise Resource Management |
| Departmental Directors | <p>Responsible for providing strategic direction and implementation of key objectives of their respective Departments.</p> <p>Prudent management and optimum utilization over the resources under their Departments</p> | Assistant Directors |
| Assistant Directors | <p>Responsible for the management and implementation of activities within their Divisions.</p> <p>Prudent management and optimum utilization over the resources under their Divisions.</p> | Managers |
| Managers | <p>Responsible for the management and implementation of activities within their Sections.</p> <p>Prudent management and optimum utilization over the resources under their Sections.</p> | Assistant Managers |
| Assistant Managers | <p>Responsible for the management and implementation of activities within their units.</p> <p>Prudent management and optimum utilization over the resources under their Units</p> | Officer I & II |
| Officer I & II | <p>Assist in the management and implementation of activities in their various units and prudent utilization of resources in their Unit.</p> | Support Staff |
| Support Staff | <p>Provide support services to the respective Units.</p> | |

2. POWERS AND FUNCTIONS OF THE AUTHORITY'S DEPARTMENTS

| NO | DEPARTMENT /DIVISION | FUNCTIONS |
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| 1 | Director-General's Office (DG) | Provide overall executive leadership and ensure strategic focus of the Authority. |
| 2. | Assistant Director General's Office | Provide leadership and ensure strategic focus of their respective Directorates. |
| 3 | Legal Services Department (LS) | <p>The office is responsible for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Supporting the Director General in the provision of Board Secretariat and related services as provided for in the <i>Mwongozo</i> Code of Governance for State Corporations and the First Schedule of the Kenya Information and Communications Act ("KICA"). It also provides Secretariat support to the Universal Services Advisory Council as provided for in the Fourth Schedule of the KICA. <input type="checkbox"/> Advising the Board and Management on legal matters, handling dispute resolution, commercial matters of insurance, conveyance and contract preparation. |

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| | | <ul style="list-style-type: none"> □ Overseeing the development, negotiation, consultation and progression of regulatory Frameworks and working with other departments to review regulatory instruments. □ Co-ordinates and facilitates the undertaking of enforcement activities and implementation of the powers to prosecute under the Act as well as awareness creation and capacity building of the ICT sector regulatory framework. |
| 4 | Frequency Spectrum Management (FSM) | The Frequency Spectrum Management department is established pursuant to Kenya Information and Communications Act 1998 Part IV, sections 35, 36, 38 and 41. The Department is responsible for management of the frequency spectrum resource and orbital satellite slots. |
| 5 | Competition, Tariffs And Market Analysis (CTMA) | <p>The main functions of the Competition Tariffs and Market Analysis department are anchored on Sections 84(k) on Fair Competition, 23 on Telecommunications, and 4 on Postal & Courier Services respectively, of the Kenya Information and Communications Act, (As amended) 1998. It is also anchored on the following various subsidiary regulations.</p> <ul style="list-style-type: none"> i) Kenya Information and Communications (Tariff) Regulations, 2010 ii) Kenya Information and Communications (Fair Competition and Equality of Treatment) Regulations, 2010 iii) Kenya Information and Communications (Interconnection and Provision of Fixed Links, Access and Facilities) Regulations, 2010 iv) Kenya Information and Communications (Dispute Resolution) Regulations, 2010 v) Kenya Information and Communications (Postal and Courier Services) Regulations, 2010. <p>The Department is responsible for</p> <ul style="list-style-type: none"> □ Advise to Management and the Board on relevant market interventions to correct market failure and on enhancement of the economic regulatory mechanisms and strategies; □ Initiate development and enforcement of the competition policy, pricing |

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| | | <p>policies/frameworks and mechanisms to ensure services are affordable;</p> <ul style="list-style-type: none"> <input type="checkbox"/> Contribute to the development and review of policy, regulatory and legal frameworks and Undertake ICT market studies, statistical and policy analysis to inform regulatory decisions and interventions; <input type="checkbox"/> Collect and analyze data for sectoral regulation and prepare statutory and Statistical Reports and Develop and provide ICT sector inputs for inclusion in national and international policy bulletins and reports. <input type="checkbox"/> Further, the Directorate is responsible for domesticating and implementing relevant international Treaties and agreements with regard to ICT services. |
| 6 | Multi-Media Services (MMS) | <ul style="list-style-type: none"> <input type="checkbox"/> The Department is established pursuant to the Kenya Constitution 2010 Sections 33 and 34 (freedom of expression and freedom of media), Kenya Information & Communications Act CAP 411A, Sections 46A to 46R. <input type="checkbox"/> The Department is established to promote and facilitate the development of a diverse range of broadcasting services in Kenya. This entails licensing of broadcasting services, managing compliance to the broadcasting licensing and regulatory framework by licensees, developing and enforcing broadcasting technical and content standards. |
| 7 | Human Capital And Administration (HCA) | <ul style="list-style-type: none"> <input type="checkbox"/> The role of the Human Capital and Administration Department is to implement and deliver the Human Resource Strategy in order to support the delivery of business objectives and drive a high performance culture at the Authority within the legal framework of the Human Resource Management Professional Act No. 52 of 2012. <input type="checkbox"/> The Department is also charged with the responsibility of overseeing the management and maintenance of the Authority's physical assets, including fleet, office equipment, machinery, land and buildings as well as the provision of security and office services. |
| 8 | Universal Service Fund (USF) | <ul style="list-style-type: none"> <input type="checkbox"/> The USO Department is established to spearhead ICT access in the country, in areas |

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| | | <p>not considered economically viable by the existing operators with a profit motive under the KICA, 1998, Section 84J. The KICA, 1998 (Universal Access and Services) regulations 2010 under KICA, 1998, Section 84P, spells out the operationalization of the Universal Service obligations.</p> <ul style="list-style-type: none"> <input type="checkbox"/> In pursuance of provision of access to communication services to all in Kenya, the Department implements projects that will ensure the unserved and /underserved areas in the country have access to communication services through the application of Universal Service Obligations. <input type="checkbox"/> This entails identification of specific areas, designing and implementation of appropriate projects, and carrying out monitoring & evaluation. |
| 9 | Licensing Compliance and Standards (LCS) | <ul style="list-style-type: none"> <input type="checkbox"/> The department is established pursuant to Kenya Information and Communications Act, Part III (Telecommunications Services); sections 23 – 34, Part V (Postal Services); Sections 47 – 76, Part VI (Licensing & Enforcement; Sections 77- 83, 83A, Part VIA (Electronic Transactions); Sections 83B – 83F. <input type="checkbox"/> The Licensing Compliance and Standards Department is responsible for the Licensing of Telecommunications, Postal/Courier and Electronic Transactions, Managing Compliance to the licensing and regulatory framework by licensees, developing & enforcing ICT industry operational standards and managing the numbering resources. |
| 10 | Consumer and Public Affairs (CPA) | <ul style="list-style-type: none"> <input type="checkbox"/> The Communications and Public Affairs (CPA) Department is established pursuant to Article 35(1) of the Constitution on access to information, Sections 5(3) and 5(4B) of KICA, and the provisions of the <i>Mwongozo Code of Governance</i>. <input type="checkbox"/> The Department is responsible for managing the Authority’s corporate reputation through strategic communications with internal and external parties, and effective engagement with key stakeholders. And also ensures effective representation of the Authority in affiliated Regional and International ICT policy forums in order to promote the national interest. <input type="checkbox"/> The Consumer Protection and Outreach |

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| | | <p>Division is established pursuant to sections 23 and 47 of the KICA, 1998(as amended in 2013), that states that consumer protection mechanism are provided for throughout the delivery of Kenya communications services and that the interests of all users of these services are protected with respect to prices, quality and variety among other responsibilities.</p> <p><input type="checkbox"/> In addition, the Kenya Constitution, 2010 states in sections 46 and 47 and the Consumer Protection Act, 2012 provides for the protection of the rights of all consumers. The role of Consumer Protection division is one of the key regulatory roles of the Authority.</p> |
| 11 | Risk Management And Internal Audit (RMIA) | <p><input type="checkbox"/> This Directorate is established by the Authority in compliance with the <i>Mwongozo</i> Code of Governance for State Corporations Chapter 3 on Accountability, Risk Management and Internal Control to leverage on Technology to improve service delivery.</p> <p><input type="checkbox"/> It provides advisory functions to the top Management and ensures that the Authority adopts and implements effective strategies in strategic planning, performance management, quality assurance and risk management as well as ensuring adherence to regulatory requirements.</p> <p><input type="checkbox"/> It is responsible for the formulation of the Authority’s Strategic Plan and identification of short-term and long-term policy objectives aimed at achieving its mandate and formulation and monitoring the Performance Contract targets.</p> <p><input type="checkbox"/> Initiates, carries out specific research and, forecasting and advise the Authority on new and emerging technological and regulatory trends in line with the Strategic plan 2018-2023 and beyond.</p> |
| 12 | Information Technology and Enterprise Resource Management (IT&ERM) | <p><input type="checkbox"/> Established by the Authority in compliance with the <i>Mwongozo</i> Code of Governance for State Corporations Chapter 3 on Accountability, Risk Management and Internal Control, Section 3.6 to leverage on technology to improve service delivery.</p> <p><input type="checkbox"/> The Department provides the enabling platform to promote and utilize effective strategies in ICT and align ICT strategy and policy to the Authority’s mandate in all areas of operations,</p> |

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| | | and provide advisory functions and user support to the Authority on matters of ICT. |
| 13 | Cyber Security and E-Commerce (CSE) | <p><input type="checkbox"/> The Division is based on the provisions of Section 83C of the Kenya Information and Communications Act (KICA) of which the Authority is mandated to “<i>Promote and facilitate the efficient management of Critical Internet resources</i>” and “<i>Develop a framework for facilitating the investigations and prosecution of cybercrime offences</i>”. Further, the Directorate is anchored on Mwongozo Code of Governance for State Corporations Chapter 3 on Accountability, Risk Management and Internal Control, Section 3.6, the Authority leverages on Information Communication Technology (ICT) to improve service delivery.</p> <p><input type="checkbox"/> In addition, Section 5C of the “<i>Computer Misuse and Cybercrimes (CMS) Act of 2018</i>” provides the provision for the Director General for the Communications Authority of Kenya to participate in “<i>National Computer and Cybercrimes Co-ordination Committee</i>” which oversees matters of the management of Cybersecurity Management in Kenya and reports to the Cabinet Secretary in charge of Internal Security.</p> <p><input type="checkbox"/> The Division is responsible for running the operations of the National Cybersecurity Centre (NCC), which is responsible for the National Kenya Computer Incident Response Team – Coordination Centre (National KE-CIRT/CC), the Digital Forensic Lab (DFL) among other cybersecurity management systems. The Directorate works in liaison with law enforcement agencies.</p> |
| 14 | Finance and Accounts (F&A) | <p>The department is charged with ensuring prudent management of financial resources and the reporting thereof within the existing legal framework of Section 68(1 - 4) of the Public Financial Management Act, 2012.</p> <p>The Department is responsible for: -</p> <p><input type="checkbox"/> Advising Management on policies, strategies and operational issues that relate to financial management in support of the overall strategic direction of the Authority;</p> |

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| | | <ul style="list-style-type: none"> <input type="checkbox"/> Development and implementation of sound financial management regulations, policies, strategies, procedures, plans and internal financial controls; <input type="checkbox"/> Ensure effective and efficient use of financial resources, Oversee budgetary and cost control and monitor and review the budget utilization. <input type="checkbox"/> Plan and coordinate timely preparation of annual Work Plans, budget estimates and cash flow projections; <input type="checkbox"/> Oversee Revenue and Treasury Management and Financial Reporting and Maintain books of accounts and other financial records; <input type="checkbox"/> Prepare financial reports, financial statements and submit to relevant institutions as prescribed in applicable legislations analysis and interpretation of financial reports and other accounting records. <input type="checkbox"/> Undertake financial risk management; and ensure compliance with applicable financial statutory obligation and circulars. |
| 15 | Procurement (PROC) | <ul style="list-style-type: none"> <input type="checkbox"/> The Procurement Division has been established in line with Article 227 of the Constitution of Kenya 2010 and Section 47 of Public Procurement and Asset Disposal Act (PPADA) 2015 and Section 8 (1) of Public Procurement and Disposal Regulations 2006. <input type="checkbox"/> In compliance to Section 2 of PPADA 2015 the Department reports directly to the Director General both functionally and administratively. The Department is responsible for designing, planning, execution control and management of supply chain activities, which include procurement, purchasing, warehousing, storage, inventory management, contract management, distribution, and disposal of assets with an objective of creating a value to meet the objective of the Communications Authority of Kenya. |
| 16 | Innovation Research and Development (IRD) | <ul style="list-style-type: none"> <input type="checkbox"/> The Research, Innovation and Development Division's main functionality is to advise and co-ordinate research and innovation development initiatives across the Authority, and to facilitate collaborative approach to |

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| | | <p>research and innovation activities with universities, standard setting bodies and other stakeholders to carry out research relevant to the Authority's mandate.</p> <ul style="list-style-type: none"> <input type="checkbox"/> In this regard, the department will initiate, and carry out specific research to enable the Authority develop innovative regulatory solutions in line with the Strategic plan 2018-2023. <input type="checkbox"/> The department will also ensure coordinated identification, capture, storage, sharing and implementation of CA's knowledge assets, and provide CA with a framework and tools for a continuous culture of knowledge sharing and learning to meet the demands arising from the dynamic transformations in the ICT sector in Kenya. |
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3. SALARY SCALES OF OFFICERS (SALARY BANDS)

| NO | SALARY SCALE | DESIGNATION |
|----|--------------|--|
| 1 | A | Director-General/Chief Executive Officer |
| 2 | BI | Assistant Director-General (ADG) |
| 3 | B2 | Director |
| 4 | C | Assistant /Director |
| 5 | D | Manager |
| 6 | E | Assistant Manager |
| 7 | F | Officer I |
| 8 | G | Officer II |
| 9 | H | Assistant officer I/Ex/Driver |
| 10 | J | Assistant Officer II/Driver I |
| 11 | K | Assistant Officer III/Driver III |
| 12 | L | Office Assistant |