

THE SURVEY ACT

(Cap. 299)

IN EXERCISE of the powers conferred by section 45(1)(a) of the Survey Act, the Cabinet Secretary for Lands and Physical Planning makes the following Regulations—

Part I—Preliminary

Citation	1. These Regulations may be cited as the Survey (Electronic Cadastre Transactions) Regulations, 2020.
Interpretation	<p>2. In these Regulations, unless the context otherwise requires -</p> <p>‘Adjudication Register’ has the same meaning as assigned by the Land Adjudication Act (sec 24) and the Land Consolidation Act (sec 24).</p> <p>“Authentication” has the meaning as under section 32 of the Survey Act;</p> <p>“Authorized User” means a person qualified to carry out survey and submit as per the Survey Act.</p> <p>“Cadastral Plan” has the same meaning as assigned to it by the Land Act No. 6 of 2012;</p> <p>"Cadastral map" has the meaning assigned to it under the Land Registration Act, 2012;</p> <p>“Checking Fees” means fees payable for the authentication of plans submitted to the Director for approval;</p> <p>"Chief Land Registrar" means the person appointed as the Chief Land Registrar under section 12 of the Land Registration Act, 2012;</p> <p>“Community Land Registrar” has the same meaning assigned to it by the Community Land Act, 2016</p> <p>“Parcel” has the same meaning assigned to it by the Land Registration Act No. 3 of 2012</p> <p>“Parcel Plan” means a plan of a parcel prepared by a surveyor from the cadastral plan depicting the parcel number, boundary data, area and abutments and approved by the Director.</p>

	<p>"sectional plan" has the meaning assigned to it by the Land Act No 6 of 2012.</p> <p>“System” means the National Land Information System developed under Section 6(h).</p> <p>"user" means any other person other than a Surveyor who has created an online electronic account for purposes of access into the System;</p> <p>"user account" means an online account created by an authorised user to allow access or submission of information in the Electronic Cadastral System.</p>
<p>Part II— Electronic Cadastre</p>	
<p>Electronic Cadastre</p>	<p>3. (1) The Director shall maintain an Electronic Cadastre which shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act.</p> <p>(2) The Director of Surveys, may by electronic means on the Electronic Cadastre:</p> <ul style="list-style-type: none"> (a) issue a notice, certificate, instrument or document which is required to be issued by the Director under the Act; (b) certify a map, plan, form, document or extract of a map required to be certified by the Director under the Act; or (c) send a duly issued or certified map, plan, form, document or extract of a map to a user through the user’s electronic address. (d) Send notification to the user through short message service, email or online notification.
<p>Survey Plans and Records</p>	<p>4. (1) All survey plans, field notes, computations and other survey data executed and sent to the Director for authentication shall be submitted by a surveyor in electronic form.</p> <p>(2) The data submitted to the Director of Survey under paragraph (1) shall be maintained in electronic form.</p> <p>(3) Notwithstanding paragraph (1), where a transaction cannot be carried out using the Electronic Cadastre, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Director may determine.</p>

Access by a Surveyor	<p>5 (1) A surveyor shall access the electronic cadastre through a user account created in the system by signing in to the system and providing the information specified in Form SR1 set out in the First Schedule.</p>
User Account	<p>6. (1) A person other than a Surveyor who wishes to access the electronic cadastre shall create a user account in the system. (2) Upon being authorized, the user shall receive credentials for use in logging into their user account.</p>
Access to information	<p>7. (1) A user may electronically access Cadastral maps, cadastral plans or other plans on a read only format upon making a request in Form SR2 in the First Schedule and on payment of the prescribed fee. (2) The Director may allow a surveyor to electronically access and download survey data with non-edit rights. (3) The Director may restrict access to specific data in the system as may be deemed necessary in the public interest, as provided for in the Access to Information Act No 3 of 2016.</p>
User obligations	<p>8. A person being an authorized user shall, in addition to the terms and conditions set out in the Second Schedule of these Regulations:</p> <ul style="list-style-type: none"> (a) carry out only such transactions as may be authorized under these Regulations; (b) be responsible for the security of his or her credentials for purposes of any transaction under these Regulations; (c) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.
Suspension of a user's access to the System	<p>9. (1) The Director may immediately suspend a user's access when it comes to his/her notice that the user –</p> <ul style="list-style-type: none"> (a) has contravened the obligations or the terms and conditions of access; (b) is suspected to have committed any fraud, identity theft or system misuse; (c) allows an unauthorised/unqualified person to <u>access the system</u>; (d) in the case of professionals, is not in good standing; (e) <u>is dead</u>; (f) <u>is declared insolvent</u>; (g) <u>is declared of unsound mind</u>. <p>(2) The Director shall on making the decision under Paragraph (1) (a), (b), (c) and (d) immediately inform the user of that decision and shall specify in the notification –</p> <ul style="list-style-type: none"> (a) the grounds of suspension;

	<p>(b) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and</p> <p>(c) the period within which the user shall be required to respond to the notification.</p> <p>(3) Subject to Paragraph (2), the Director shall serve notification by—</p> <p>(a) an electronic transmission to any electronic address specified in the user agreement as the user's through SMS Notification, email notification or any other form of electronic transmission;</p> <p>(b) post, to any postal address specified in the user agreement as the user's address of service.</p> <p>(4) A user may respond to a suspension notice in writing or in electronic form stating the reasons why the suspension of access should be withdrawn and the response served upon the Director before the expiry of the period specified in Paragraph (2) (c).</p> <p>(5) The Director shall upon receipt of a response under Paragraph (4) if satisfied that it is no longer appropriate to suspend the user's access withdraw the suspension and send a notification to that effect to the user within 7 days.</p>
<p>Termination of a user's access to the System</p>	<p>10 (1) Subject to Regulation 9(1), the Director shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind.</p> <p>(2) The Director shall terminate the user's access if –</p> <p>a. not satisfied with the user's response given under Regulation 9(4)</p> <p>b. the user does not respond within the specified period in Regulation 9(2)(c)</p> <p>(3) The Director shall communicate the decision under Paragraph (2) to the user within 7 days.</p> <p>(4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.</p>
<p>Appeals against the decision to terminate a user's access</p>	<p>11 (1) The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account.</p> <p>(2) The membership of the Electronic Appeals Standing Committee shall comprise of:</p> <p>(a) Three representatives from the Ministry;</p>

	<p>(b) One representative from National Land Commission;</p> <p>(c) One representative from Council of Governors;</p> <p>(d) Four representatives from the private sector provided that one of them shall be an Information Technology Specialist well versed with system forensic audit and cybercrime.</p> <p>(3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat.</p> <p>(4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days.</p> <p>(5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.</p>
<p>PART III— Submission of a survey</p>	
<p>Submission of a survey to the Director</p>	<p>12. (1) For purposes of preparation of a survey for submission to the Director, a surveyor shall: -</p> <p>(a) Submit the required information electronically in Form SR3 in the First Schedule</p> <p>(b) Upload the relevant supporting documents as may be required under the Act.</p> <p>(2) The system shall be linked to the Board to authenticate the status of Licensed Surveyors accessing the system.</p> <p>(3) Upon submission of any survey data by the surveyor, the Director shall send a notification through short message service, email or directly through an online notification to confirm receipt.</p> <p>(4) The system shall automatically assign a tracking number to the survey data submitted under paragraph (3) to show the order of priority in processing the same.</p>
<p>Receiving and authorization for processing</p>	<p>13. (1) The Director shall review documents received under Regulation 12 and authorize authentication.</p> <p>(2) The Director may refuse to authorize the authentication of documents received under Regulation 12 and return the documents through a notice in Form SR4 in the First Schedule setting out the reasons for refusal.</p>

PART IV — Numbering of survey records	
Numbering of survey plans, Field notes and computations	<p>14. (1) An authorized officer shall examine the survey documents and authorise the Survey Records Officer to number the survey records as prescribed in Form SR5 in the First Schedule</p> <p>(2) On completion of the numbering of the survey records, the Director shall notify the Surveyor.</p>
PART V —Checking of Survey	
Checking of Survey	<p>15. (1) The checking shall be as prescribed in Forms SR6, SR7, SR8, SR9, SR10 and SR11 in the First Schedule</p> <p>(2) On completion of Checking of the survey records, the Director shall notify the Surveyor.</p>
PART VI — Authentication	
Authentication	<p>16. (1) The Director shall undertake authentication paying due regard to comments made during the checking of the survey.</p> <p>(2) If the survey is authenticated as per comments made in 15(1), the Director shall assess the fee payable as per the provisions of the Fifth and Sixth Schedules of the Survey Regulations, 1994 and record it electronically in Form SR12 set out in the First Schedule.</p> <p>(3) Upon authentication, the Director shall notify the Surveyor of the authentication of the survey and the fees payable in Form SR13 set out in the First Schedule.</p> <p>(4) Where authentication is rejected, the Director shall notify the Surveyor of the rejection and provide the reasons therefor in Form SR14 set out in the First Schedule.</p>
PART VII — Updating of the cadastral map	
Updating of the electronic cadastral map	<p>17. (1) The Director shall effect updating of the electronic Cadastral Map after the surveyor-</p> <ul style="list-style-type: none"> (a) Pays the required fees as per the letter authenticating the survey; (b) Provides the required or pending approvals in electronic format; and (c) Sends a notification through the system to the Director requesting for updating of the cadastral map. <p>(2) Subject to 17(1), the Director shall update the electronic cadastral map to reflect the proposed amendment.</p>

	(3) Once the electronic cadastral map has been updated, the Director shall notify the surveyor.
PART VIII — Sealing of the cadastral map	
Sealing of the cadastral map and forwarding to Land Administration	<p>18. (1) The Director shall effect sealing of the cadastral map on the request of the surveyor.</p> <p>(2) On sealing of the cadastral map under paragraph (1) the Director shall notify-</p> <ul style="list-style-type: none"> a. the Director of Land Administration that the cadastral map has been updated to facilitate preparation of lease documents; or b. the National Land Commission that the cadastral map has been updated to facilitate preparation of letters of allotment for New grant Surveys. <p>(3) The director shall send confirmation of notifications made under paragraph (2) to the surveyor.</p>
PART IX –Submission of data to the Chief Land Registrar	
Submission of Data to the Chief Land Registrar	<p>19. (1) An adjudication register, shall on completion of work in an adjudication section, be submitted to the Chief Land Registrar in electronic format.</p> <p>(2) A cadastral map of an adjudicated community land shall be submitted to the Community Land Registrar in electronic format.</p> <p>(3) Cadastral plans, cadastral maps, sectional plans including other plans, shall be provided to the Chief Land Registrar in electronic format.</p> <p>(4) Mutation form (LRA-27) shall be presented to the Chief Land Registrar in electronic format as provided for in sections 43, 44 and 45 of the Land Registration Act (General) Regulations, 2017.</p> <p>(5) The Director may, upon request prepare a parcel plan in electronic format for use in electronic conveyancing.</p> <p>(6) The Director of Surveys shall prepare a parcel plan to be embedded to the title of that particular parcel.</p>
PART X— Miscellaneous	

Fees	20. (1) The fees payable to the Director may be payable through such electronic means including mobile money, electronic funds transfer or other electronic modes as may be determined by the Cabinet Secretary from time to time.
Transition	21. (1) These Regulations shall not affect the validity of any survey work effected prior to the coming into operation thereof. (2) The Cabinet Secretary shall publish the date of transition from physical documents to electronic format and from cash based payment to electronic payment.

DRAFT

FIRST SCHEDULE

FORM SR1: DETAILS REQUIRED FOR CREATING A USER ACCOUNT BY A SURVEYOR

- a) Name
- b) Personal Identity Number
- c) Survey Licence Number/ DOS Authorization Code
- d) Current Practicing Certificate Number
- e) Telephone Number
- f) E-mail Address
- g) Postal Address
- h) Passport Photo
- i) Physical Address

FORM SR2: REQUEST FOR PURCHASE OF DATA

To be completed by applicant				To be completed by Survey Records Officer		
S/NO.	TYPE OF DATA	F/R No./ SHEET No.	No. OF COPIES	ELECTRONIC FORMAT	UNIT PRICE	TOTAL COST
	Cadastral Plan					
	Cadastral Map					
	Topographical Map					
	Other Data					

APPROVAL OF REQUEST:

Request for purchase of maps is hereby Approved/Not approved.

(1) Approved: The OI/C Survey records to supply the maps after the above payment has been made

Not Approved: Reasons:

Signed: Date:

Director of Surveys

ACCOUNTS SECTION:

Payment of Kshs.....in respect of the maps requested for is hereby acknowledged

Signed: Date:

OI/C: Accounts.....

OI/C: SURVEY RECORDS:

Maps as requested for have been supplied

Signed: Date:

OI/C: Survey Records.....

FORM SR3: SURVEY SUBMISSION FORM

- (1) Name of surveyor
- (2) Name of registered assistant – if applicable
- (3) Type of survey: (e.g. New grant; subdivision; partition; re-parcellation, combination; change of user; extension of user; renewal of lease; extension of lease; reestablishment; compilation etc.)
- (4) Date submitted
- (5) Locality
- (6) Plans used for data
- (7) Instruments used in the survey:
 - a. Manufacturer:
 - b. Model:
 - c. Serial No:
 - d. Date of calibration (if applicable):
- (8) Field Notes:
 - a. Total number of pages:
 - b. Cover page;
 - c. Index to field notes
 - d. Other pages
- (9) Survey Plans:
 - a. Total number:
 - b. Form No. 2
 - c. Form No. 3
 - d. Form No. 4
- (10) Survey Computations:
 - a. Total number of pages
 - b. Surveyors Report
 - c. Index to Computations
- (11) Approval Documents

FORM SR4: NOTIFICATION OF REJECTION OF A SURVEY BEFORE NUMBERING OF RECORDS

The letter of rejection of a survey before numbering of records shall include:

- a) Tracking number
- b) Former parcel number(s) or LR Nos.
- c) Locality
- d) Reasons for returning the survey

FORM SR5: NUMBERING OF SURVEY RECORDS

NUMBERING IN SURVEY RECORDS OFFICE

Survey Records Tracking Number
Records Officer.....
Entry No.....and date.....of receipt of records in SRO
Survey of L.R. No./Parcel No.....Plan F/R No.....
Original No.....Comps. No.....
Head Title Deed Plan No.....F. Notes No.....
Locality.....
Surveyor.....
SK File No.....File is correct for locality of survey. Yes/No*.....
File ref. of Provisional Approval.....
File ref. of Final Approval.....
Approval stamp added to plan. Yes/No*
Reference Plans.....
.....
.....
Abuttals.....
Cross references on Survey Plans (Total Nos. only).....
Cross references on Tracings (Total Nos. only).....
Registration completed (*Initials*).....*Date*.....
Registration checked (*Initials*).....*Date*.....

PRELIMINARY CHECK

N.B. All check headings are to be completed. If a heading is not applicable to the plan, insert N/A. If there is insufficient room for your comments continue on an SK Form C/12
* Indicates "Delete where necessary."

FORM SR6: FIELD NOTES CHECK

Survey Records Tracking Number
Checker.....
(i) Date of completion of field survey.....
(ii) Date of calibration of chain.....
(iii) Calibration details used by surveyor are correct/incorrect by.....°C.....Kg/30m.*
(iv) Altitude figure used by surveyor is correct/incorrect by.....m.*
(v) Index is complete/except for*.....
(vi) Linear reduction errors of 0.01m or more occur on pages.....
.....
(vii) Traverse bearing reduction errors of 10" or more occur on pages.....
.....
(viii) Triangulation bearing reduction errors of 2" or more occur on pages.....
.....
(ix) Reduction of trig. Height/tachy/levelling observations correct/except for*.....
.....
(x) FINAL CHECKER'S comments on (i)-(ix) above.....
.....
.....

FORM SR7: PLOTTING OF PLAN CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) Is "UTM Metric Grid" stamp necessary? Yes/No*
- (ii) Longitude belt or other origin of coordinates is correct/should be*
- (iii) Coordinates and boundary data are to correct number of decimals/should be*
- (iv) Coordinates list has been transferred from the computations to the plan without errors or omissions/except for*
- (v) Numerical values, and descriptions, of datum points conform with their plan of origin/except for* ...
.....
- (vi) All points listed in the computations coordinate list have been plotted on the plan/except for*
- (vii) Beacon descriptions of all new points agree with the field notes/except for*
- (viii) All beacons, trig. and traverse points are shown with the correct symbols and colours except for*
- (ix) Scale shown is correct/should be*
- (x) Grid values are correct/except for*
- (xi) The grid is rectangular/except for*
- (xii) No errors of more than 0.001m. occur in the plotting of the grid lines and beacons/except for*
- (xiii) Replot of curvilinear boundary is filed at pageNo errors occur/Errors are shown on tracing* ...
.....
- (xiv) All river distances are given and are correct/except for*
- (xv) Is description of curvilinear boundary quoted on plan?
- (xvi) Is origin of curvilinear boundary quoted on plan?
- (xvii) Is name and direction of river shown on plan?
- (xviii) Replot of topographical detail is filed at pageNo errors occur/Errors are shown on tracing*
- (xix) Insets showing building encroachments and obstructed corners are correct/absent/except for*
- (xx) Colour borders are correct/except for*
- (xxi) Meridional District and Topo. Sheet numbers are correct/should be*
- (xxii) FINAL CHECKERS comments on (i) – (xxi) above.....
.....

FORM SR8: CONSISTENCY OF PLAN DATA CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) All coordinates essential for the consistency have been listed on the plan/except for*
- (ii) All boundary data needed for consistency purposes has been quoted on the plan/except for*
- (iii) No errors occur in the consistency of the mathematical data /except for*
- (iv) All essential road secant data has been quoted on the plan except for*
- (v) All road secant data is geometrically correct/except for*
- (vi) All truncation data has been quoted on the plan except for*
- (vii) All truncation data is geometrically correct/except for*
- (viii) FINAL CHECKERS comments on (i) – (vii) above

FORM SR9: AREAS CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) All rectilinear areas are correct/except for*
- (ii) Curvilinear areas are taken from plan F/R.....Scale.....
- (iii) All curvilinear areas are correct/except for*
- (iv) All areas are quoted in conformity with Reg. 84/except for*
- (v) Summation of subdivision areas agrees with head title/except for*
- (vi) Road, riparian and trig. reserves agree with head title reserves as shown on cadastral plan./except for*
- (vii) FINAL CHECKERS comments on (i) – (vi) above.....

FORM SR10: ABUTTALS CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) Abuttals numbers checked against reference plans and found correct/except for*
- (ii) Abuttals checked against Cadastral Sheet/Cadastral Map No.....Scale.....
and found correct/except for*.....
- (iii) No errors of more than 0.001m occur in the plotting of the abuttals except for*.....
- (iv) FINAL CHECKERS comments on (i) – (iii) above.....

FORM SR11: FINAL CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

FINAL CHECKER'S REPORT ON CONDUCT OF SURVEY (Paragraph headings are to be used as follows: (a) Transference of data from field notes. (b) Datum used. (c) Details of new triangulation and traverse control. (d) Comparison between old and new work. (e) Basis for re-establishments. (f) General remarks)

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.....
.....

PURPOSE OF SURVEY

.....

If survey is for a new grant, should any road/trig./riparian/pipeline reserves be made?

TRANSACTIONS INVOLVED.....

.....
.....

Is the plot numbering correct for these transactions?

Provisional approval of transactions is recorded at.....

Final approval of transactions is recorded at.....

Approved Plan is No.....Filed at.....

Survey conforms with conditions of approval/does not conform with conditions of approval as follows.....

.....
.....

Registration is to be under LRA- Tenure is Leasehold/Freehold

.....
Survey instructions at.....

Final Checker's recommendation.....

.....

FORM SR12: AUTHENTICATION

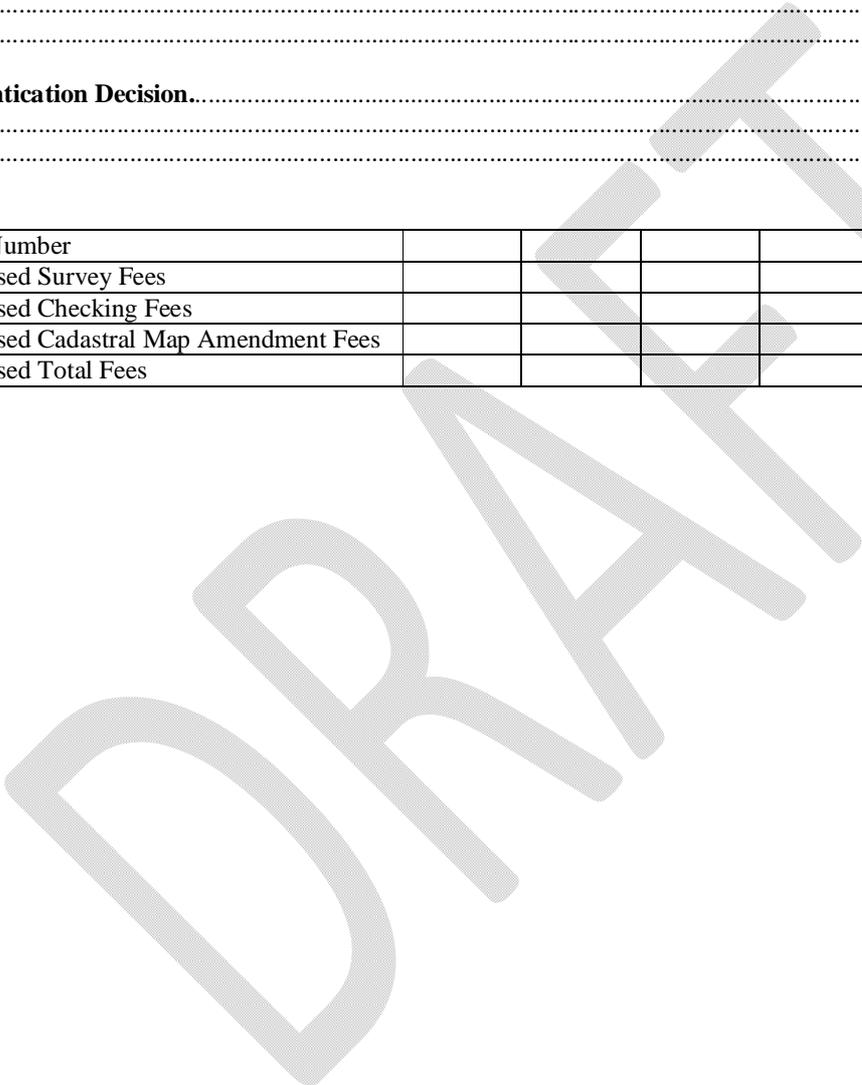
Survey Records Tracking Number

PLAN No. F/R

Final Checker's recommendation.....
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.....
.....

Authentication Decision.....
.....
.....

Plot Number							
Assessed Survey Fees							
Assessed Checking Fees							
Assessed Cadastral Map Amendment Fees							
Assessed Total Fees							



FORM SR13: AUTHENTICATION LETTER

SURVEY OF KENYA,
P.O. BOX 30046,
NAIROBI.

E-mail:
.....
.....
.....

Ref. No.
Date:

LAND REGISTRATION LAND ACT

REGISTRATION DISTRICT
REGISTRATION BLOCK/ RIM SHEET NUMBERS
Your Reference dated
Plan F/R representing the survey of parcels.....
(Old Parcel Nos.....) has been approved. Prints of the plan for use under section 18(6) of the Act are available at a cost of shs. each.

Further details are as follows: -

<u>New Parcel No.</u>	<u>Area (in hectares)</u>	<u>Survey/checking fees</u>	<u>Type of Boundary</u>
.....
.....
.....

Prints of the new amended Cadastral Map will be forwarded to the appropriate authorities as soon as they are available

.....
DIRECTOR OF SURVEYS

Copy to: Computations

Chief/Assistant Land Registrar
.....
.....
.....

FORM SR14: NOTIFICATION OF REJECTION OF A SURVEY

- a) Survey Records Tracking Number .Name of the surveyor
- b) Locality
- c) New parcel numbers
- d) Fees payable to the Director
- e) New Survey Plan Number(s)
- f) Computations File Number
- g) Field Notes Number
- h) Reasons for returning the survey
- i) Requirement that corrections to the errors be done within twelve months

SECOND SCHEDULE

TERMS AND CONDITIONS OF USE

Chapter 1 Introduction

- (i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.
- (ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.
- (iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

Chapter 2 Access and Use

- (i) Upon signing up; a username and a password will be created for the User's use in logging into the system.
- (ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.
- (iii) A user shall access the system either in an individual capacity or through an authorized representative.
- (iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

Chapter 3 Availability of service and support

- (i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.
- (ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.
- (iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available*.
- (iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.
- (v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has

failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

- (vi) The Ministry will endeavour to provide you with the services at all times or at any specific times or will be able to operate at all times error-free. Ministry makes no warranties in regard to the availability of services but all reasonable efforts will be made to provide the best possible service to you. Notices regarding planned system outages will be made available on the Ministry's website.

Chapter 4 Obligations

Chapter 5 User obligations

The user shall;

- (i) carry out authorized transactions;
- (ii) complete such formalities as are required to become a registered user before accessing the system;
- (iii) meet the eligibility criteria at all times;
- (iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;
- (v) use the information obtained for the intended purpose only.
- (vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system
- (vii) Surrender/deactivate accounts for persons no longer in their employ
- (viii) Change his log in credentials from time to time

The User shall not;

- (i) impersonate another person or entity,
- (ii) distribute or sell any information accessed through the system;
- (iii) collect information about other users
- (iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law
- (v) reverse engineer or otherwise attempt to extract any source code.
- (vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system
- (vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.

- (viii) Without prejudice to (i) and (ii); the user shall not use the system or its products and services in any manner that violates/infringes the provisions of the Kenya Information and Communication Act, 1998, the Computer Misuse and Cybercrimes Act, 2018 or any other written law.

Chapter 6 Organizations

In case of organizations (legal persons), the person in charge of the organization shall be responsible:

- (i) For selection and nomination of the users accessing the system on behalf of their organization;
- (ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;
- (iii) For notification of revocation of access for any user in their organization at any time;
- (iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

Chapter 7 Ministry obligations to User (Our obligation to you)

The Ministry shall;

- (i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.
- (ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.
- (iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.
- (iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

Chapter 8 Security of the System

- i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.
- ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.
- iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.
- iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.
- v. You are solely responsible for ensuring that the users comply with the User Obligations.
- vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

- vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and
- viii. charge fees for the use of the products and services associated with NLIS.
- ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.
- x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.
- xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.
- xii. You may request revocation of any of the Security Measures available to or being used by any of your people. Your people may also request revocation of their own Security Measures. The Ministry reserves the right at any time to revoke the Security Measures being used by you or any of your people in order to safeguard the integrity and security of NLIS databases

Disclaimer

Security is important to ensure NLIS functions effectively and efficiently. Although NLIS uses encryption security, there is no guarantee that personal or proprietary information and transactions on the NLIS portal or on the internet will be maintained confidential or secure. The Ministry will be held liable to the extent permissible in the relevant statute but will not be liable for acts of omission or commission out of its control.

Chapter 9 Data Privacy Statement

1. The Ministry collects the applicant's personal information with the applicant's consent when the application is made for authorization to access the National Land Information System.
2. The Ministry does not on-board minors (any person under 18 years of age) except where an applicant additionally registers on their behalf as their parent and/guardian.
3. The information the Ministry collects and stores about the applicant includes but is not limited to the following: applicant's identity including name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, and gender.
4. The applicant consents to the Ministry making and retaining photocopies of personal information and all other documents provided in support of the application which will be kept for the term of the agreement for the purpose of enforcing the agreement.
5. The Ministry may make inquiries deemed necessary to verify the information provided in the application.
6. The information and documentation provided will be used to administer the authorization to access and use the system.
7. The Ministry may disclose your information to:

- a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
 - b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
 - c. Any other person that the Ministry deems legitimately necessary to share the data with.
8. The Ministry shall not release any information to any individual or entity that is acting beyond its legal mandate
9. The Ministry has put in place technical and operational measures to ensure integrity and confidentiality of the applicant's data via controls around: information classification, access control, cryptography, physical and environmental security and monitoring and compliance.
10. Subject to legal and contractual exceptions, the applicant has rights under data protection laws in relation to their personal data. These are listed below:
- a. Right to be informed that the Ministry is collecting personal data about the applicant
 - b. Right to access personal data that the Ministry holds about the applicant and request for information about how the Ministry will process it;
 - c. Right to request that the Ministry correct the personal data where it is inaccurate or incomplete;
 - d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;
 - e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;
 - f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;
 - g. Right to request transfer of the applicant's personal data (in an electronic format).
 - h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further information in relation to the applicant's request in order to speed up the response.

Chapter 10 Copyright

The Government of the Republic of Kenya is the owner of all rights in and to the National Land Information System. The complete content of the National Land Information System platform is protected by the Copyright Laws of the Republic of Kenya and reproduction or redistribution of that content without the permission of the Government of the Republic of Kenya is strictly prohibited.

Chapter 11 General Terms

- (i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.
- (ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.
- (iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.
- (iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.
- (v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

Chapter 12 User feedback

1. Feedback on user experience in the use of the system and specifically any complaints, complements and suggestions for improvement are highly encouraged.
2. The feedback in paragraph 1 can be channelled through the feedback portal in the system or through the address below:

Cabinet Secretary

Ardhi House

1st Ngong Avenue, off Ngong Road

Email: info@ardhi.go.ke

Tel: +254 202718050 / 204803886

P.O. Box 30450-00100

NAIROBI

Made on the.....2020

FARIDA KARONEY,

Cabinet Secretary for Lands and Physical Planning