

Case Note

CASE NOTES & COMMENTARY
ODPC & HIGH COURT, KENYA

ONE RULING, DIGESTED ON ITS OWN – THE FACTS, THE HOLDING, AND THE PRACTICE POINT

📅 [2026] KEHC 8533

A spam folder bought a lender an injunction against a garnishee

Chelete Credit Limited v Office of the Data Protection Commissioner & Another

EXTENSION & INJUNCTION GRANTED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

The ODPC's notification emails about a KES 250,000 complaint had landed in the lender's spam folder — the company only found out about the determination when the complainant showed up demanding payment, by which point a Garnishee Order Nisi had already been served on Safaricom. Rather than treating the missed emails as the company's own administrative failure (as the complainant argued), the Court accepted spam filtering as a genuine, non-inordinate explanation for a 14-day delay, admitted the appeal out of time, and — because reputational and regulatory harm to a financial institution isn't fully cured by a later refund — froze the garnished funds pending appeal.

PRACTICE POINT

Relying solely on email service without a parallel channel is now a live risk for the ODPC's own process, and a workable defence for respondents — but only if they can show they moved the moment they actually found out.

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HOW THIS TOUCHES A LIVE ODPC MATTER

Whether you are defending a complaint, appealing a determination, or bringing a privacy claim of your own, the forum you choose and the procedural record you build early usually decide the outcome.

Muchangi Patrick & Co. Advocates represents complainants and respondents before the Office of the Data Protection Commissioner and on appeal, judicial review and constitutional petition before the High Court.

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