

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 7752

You do not need a court order to get your own call records – but you do need to have asked first

Ouko v Independent Policing Oversight Authority

APPLICATION DISMISSED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

An applicant sought an order compelling Safaricom to produce his own certified call detail records, to test claims in an affidavit that he had been contacted. The Court confirmed that Section 26(b) of the Data Protection Act already gives a data subject the right to access their own personal data held by a data controller, without needing a court order at all — but dismissed the application because mandamus does not issue where an adequate alternative remedy exists, and the applicant had not shown he had ever actually asked Safaricom for the records and been refused.

PRACTICE POINT

Before running to court for your own data, exercise the Section 26(b) access right directly with the data controller first — a court will not compel what you never actually requested.

Cite this page: Muchangi Patrick & Co. Advocates, "You do not need a court order to get your own call records – but you do need to have asked first: Ouko v Independent Policing Oversight Authority" (dataprivacyadvocates.co.ke, 2026) <<https://dataprivacyadvocates.co.ke/case-ouko-v-independent-policing-oversight-authority.html>>.

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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