

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 1382

## A Kshs 500,000 deposit buys a stay while an ODPC appeal is heard

Hair Manufacturing Limited (Darling Kenya) v Kirumba

STAY OF EXECUTION GRANTED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

An appellant found liable by the Data Commissioner and ordered to pay Kshs 700,000 sought a stay of execution pending appeal. The complainant opposed the application as incompetent and argued no prejudice had been shown. The Court held the application was competent under Article 159(2)(d), that the appellant would suffer substantial loss absent a stay because there was no evidence the complainant was a person of means capable of refunding the decretal sum if the appeal succeeded, and that the appellant's prior deposit of Kshs 500,000 as security tipped the balance decisively in its favour.

### PRACTICE POINT

An early, voluntary deposit of security is doing real work in these stay applications — it demonstrates good faith and materially improves the odds of a stay being granted while an appeal against an ODPC award is pending.

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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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