

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 570

Filing an appeal does not freeze an ODPC award

Irungu v Lintons Academy

AWARD ADOPTED & ENFORCED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

Months after an ODPC award of KES 750,000 for unauthorised commercial use of a complainant's image, the respondent had filed an appeal but never prosecuted it — and never sought a stay. The Court adopted the ODPC's determination as a decree and granted leave to enforce it immediately, holding that Regulation 14(5) makes ODPC awards binding and enforceable as court orders, that an appeal does not automatically suspend enforcement under Order 42 Rule 6, and that a separate, express stay application is always required.

PRACTICE POINT

An unpaid ODPC award plus an unprosecuted appeal is a live enforcement target — respondents who want breathing room must apply for a stay, not simply file and wait.

Cite this page: Muchangi Patrick & Co. Advocates, "Filing an appeal does not freeze an ODPC award: Irungu v Lintons Academy" (dataprivacyadvocates.co.ke, 2026) <<https://dataprivacyadvocates.co.ke/case-irungu-v-lintons-academy.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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