

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 8168

# Employment-linked data disputes may not belong in the High Court at all

Paprika Limited v Office of the Data Protection Commissioner &amp; Another

LEAVE FOR JUDICIAL REVIEW DENIED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK &amp; CO. ADVOCATES

An employer used a staff member's likeness in promotional video under a term in his employment contract; after he absconded, he complained to the ODPC about the video's continued use. The employer sought judicial review of the resulting determination, but had already let its employee file a Section 64 appeal against the same decision — filed seven days before the judicial review application. The Court dismissed the judicial review bid on three independent grounds: an appellate remedy existed and hadn't been shown to be inadequate, running parallel proceedings against the same decision was an abuse of process, and — because the dispute was rooted in a contract of employment — the matter properly belonged before the Employment and Labour Relations Court, not the High Court, under Articles 162(2) and 165(5).

**PRACTICE POINT**

Where personal data processing is bound up with an employment contract, check ELRC jurisdiction before filing anywhere else — and never run an appeal and a judicial review against the same determination at the same time.

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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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This case note summarises and comments on a published High Court judgment reviewing a determination of the Office of the Data Protection Commissioner, or a first-instance privacy matter. It is prepared for general informational purposes, reflects our own analysis and characterisation of the judgment, and does not constitute legal advice. The citation is provided so readers can access the full judgment on Kenya Law; organisations should consult qualified legal counsel before acting on any point summarised here.

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