

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 2725

# A slow procurement process for lawyers is a good enough reason for a 21-day delay

Thika Water & Sewerage Company Limited v Korir

EXTENSION OF TIME & STAY GRANTED CASE NOTED DATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

A public utility company sought leave to appeal an ODPC determination 21 days out of time, attributing the delay to its own public procurement process for hiring advocates. The complainant argued this was an unsupported internal administrative excuse. The Court accepted the explanation, taking judicial notice that public procurement for legal services genuinely takes time, held the 21-day delay was not inordinate, found the intended grounds of appeal arguable on both liability and quantum, and granted leave to appeal together with a stay — conditional on the appellant depositing the decretal amount in court.

#### PRACTICE POINT

Public bodies bound by procurement law get real, judicially-noticed latitude on delay in appealing ODPC determinations — but a conditional deposit of the decretal sum remains the price of that latitude.

**Cite this page:** Muchangi Patrick & Co. Advocates, "A slow procurement process for lawyers is a good enough reason for a 21-day delay: Thika Water & Sewerage Company Limited v Korir" (dataprivacyadvocates.co.ke, 2026) <<https://dataprivacyadvocates.co.ke/case-thika-water-and-sewerage-company-limited-v-korir.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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