

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 3998

An advocate cannot be sued in a data-privacy petition for evidence filed on a client's behalf

Tirito v Murage t/a Murage Juma and Company Advocates

STRUCK OUTCASE NOTEDATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

The petitioner alleged that his confidential travel documents had been unlawfully obtained and attached to court papers in an ELC suit, violating his privacy under Article 31 read with the Data Protection Act. The Court struck out the petition on two grounds: the advocate was acting as agent for his client, the actual plaintiff in the ELC suit, and had no personal liability for documents filed in that capacity; and the petition was, in substance, a belated attempt to challenge an evidentiary ruling already made in the ELC matter, dressed up as a constitutional question.

PRACTICE POINT

Advocates acting for a client in litigation are not the correct respondents to a privacy petition arising from documents filed on the client's instructions — and courts will treat such petitions as impermissible collateral attacks on the underlying suit.

Cite this page: Muchangi Patrick & Co. Advocates, "An advocate cannot be sued in a data-privacy petition for evidence filed on a client's behalf: Tirito v Murage t/a Murage Juma and Company Advocates" (dataprivacyadvocates.co.ke, 2026) <<https://dataprivacyadvocates.co.ke/case-tirito-v-murage-ta-murage-juma-and-company-advoc.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.

[Book a Consultation](#)

[Chat on WhatsApp](#)

CONTINUE READING

[← A phone-records petition against a bank collapses as a collateral attack on a succession case](#)

[All Case Notes on the Blog](#)

[Filing a petition four days after an ODPC complaint is forum shopping, not urgency →](#)



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.

Prepared by the Editorial Board of Muchangi Patrick & Co. Advocates · Nairobi · Not legal advice – consult qualified counsel before acting on this analysis.

For essential site functionality and to remember your preferences, we use a small number of cookies. With your consent, we also use cookies to understand how visitors use this site. See our [Cookie Notice](#).

Essential Only

Accept All