

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 8304

A small college's financial hardship does not excuse missing the appeal window

Vihiga College of Business & Technical Training v Data Commissioner

STRUCK OUTCASE NOTEDATA PROTECTION · ADMINISTRATIVE LAW

BY THE EDITORIAL BOARD, MUCHANGI PATRICK & CO. ADVOCATES

A small educational institution sought a stay of a Kshs 100,000 administrative fine for non-compliance with an ODPC Enforcement Notice, arguing immediate payment would severely strain its finances and that it had begun taking compliance steps. The Court found the statutory window to challenge the Penalty Notice had already lapsed by the time the application and appeal were filed, no formal application to extend time had been made, and that equitable considerations of hardship cannot be used to override a clear statute of limitation.

PRACTICE POINT

Contrast this with *Chelete Credit and Thika Water & Sewerage* above and in Volume I: courts will extend time for a credible, evidenced explanation, but financial hardship alone, raised without a properly filed application for extension, will not revive a lapsed statutory window.

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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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