



CODE OF CONDUCT & ETHICS

OCTOBER 2020



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AMENDMENT SHEET

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TABLE OF CONTENTS

AMENDMENT SHEET	ii
ABBREVIATIONS AND DEFINITIONS OF TERMS.....	v
FOREWORD	vi
1 PRELIMINARY	1
1.1 CITATION.....	1
1.2 APPLICATION	1
1.3 OBJECTIVES OF THE CODE	1
1.4 ROLE OF THE BOARD	2
1.5 ADMINISTRATION OF THE CODE	2
2 REQUIREMENTS.....	2
2.1 COMPLIANCE WITH THE CODE.....	2
2.2 RULE OF LAW	3
2.3 PUBLIC TRUST.....	3
2.4 RESPONSIBILITY AND PERFORMANCE OF DUTIES	3
2.5 PROFESSIONALISM	3
2.6 FINANCIAL PROBITY	4
2.7 MORAL AND ETHICAL REQUIREMENTS.....	4
2.8 GIFTS, BENEFITS AND FAVOURS.....	5
2.9 WRONGFUL AND UNLAWFUL ACQUISITION OF PROPERTY	6
2.10 CONFLICT OF INTEREST	6
2.11 PARTICIPATION IN TENDERS ISSUED BY THE AUTHORITY	7
2.12 NEPOTISM AND FAVORITISM.....	8
2.13 SUPERVISION OF CLOSE RELATIVES	8
2.14 PUBLIC COLLECTIONS	8
2.15 CARE OF AUTHORITY PROPERTY	8
2.16 MISUSE OF OFFICIAL INFORMATION.....	9
2.17 GIVING OF ADVICE	9
2.18 MISLEADING THE PUBLIC.....	9
2.19 GAINFUL EMPLOYMENT	10
2.20 OFFERS OF FUTURE EMPLOYMENT.....	10



2.21	FALSIFICATION OF RECORDS	10
2.22	CONDUCT IN PUBLIC AND PRIVATE	10
2.23	WORK PLACE HARASSMENT	10
2.24	SEXUAL HARASSMENT	10
2.25	BULLYING	11
2.26	POLITICAL NEUTRALITY	11
2.27	IMPARTIALITY	11
2.28	ACTING THROUGH OTHERS	11
2.29	FINANCIAL, SOCIAL AND LEGAL OBLIGATIONS	12
2.30	REPORTING IMPROPER ORDERS	12
2.31	CONFIDENTIALITY	12
2.32	EMPLOYEE DRESS CODE	13
2.33	DECLARATION OF INCOME, ASSETS AND LIABILITIES	13
3	REPORTING PROCEDURE	13
4	ENFORCEMENT OF THE CODE	14
5	PENALTIES FOR BREACH OF THE CODE	14
6	REVIEW	14
7	EFFECTIVE DATE	15
	ANNEXURE 1: ACKNOWLEDGEMENT	v



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ABBREVIATIONS AND DEFINITIONS OF TERMS

CEO	Chief Executive Officer
DCI	Directorate for Criminal Investigation
EACC	Ethics & Anti-Corruption Commission
ICT	Information Communication Technology
KOTDA	Konza Technopolis Development Authority
LIA	Leadership & Integrity Act 2012
Officer	An employee of KoTDA
POEA	Public Officers Ethics Act 2003
The Act	Leadership & Integrity Act 2012
The Authority	Konza Technopolis Development Authority
The Code	Code of Conduct & Ethics
The Constitution	Constitution of Kenya 2010
The Ombudsman	Commission for Administrative Justice



FOREWORD

The Management of Konza Technopolis Development Authority recognizes the critical role of ethical service and professionalism in service delivery in addition to concerted efforts from staff as a means to achieve the Authority's Vision, Mission and Mandate.

In order to promote transparency and accountability in the Authority, it is important to define the Authority's standards of practice to regulate behaviours, interactions and actions of its members of staff. The Management recognizes unethical and unprofessional conducts as impediments to social and economic development which also undermines confidence in public institutions.

The KoTDA Code of Conduct also outlines the standards for staff engagement with the Authority's customers and partners. This will ensure that members of staff do not engage in activities or act in a manner that will lead to a compromise of their integrity or diminish the Authority's reputation.

To inform the standards of practice stipulated in this Code, this document takes cognizance of the Authority's Vision, Mission, Values and Mandates. It also incorporates the statutory provisions of various acts namely; *The Public Officer Ethics Act 2003*, *The Civil Service Code of Regulations Revised 2006*, *The Public Service Commission Act Cap 185*, *The Anti-Corruption and Economic Crimes Act 2003*, *Public Procurement and Disposal Act 2005* and other relevant regulations.

To create a conducive business environment which will incline staff to innovation for the furtherance of our goal of developing a smart city, it is important to have the free social environment.

I therefore call for a concerted effort from our staff, investors, partner organizations and ministries, media and the general public to support the Authority through adherence to this Code. Any incidence of unethical practice should be reported to the Authority.

Eng. John Tanui, MBS

CHIEF EXECUTIVE OFFICER



1 PRELIMINARY

1.1 CITATION

This Code may be cited as the KOTDA Code of Conduct and Ethics.

1.2 APPLICATION

The Code applies to all the Employees of the Konza Technopolis Development Authority (KOTDA).

New Employees engaged by the Authority shall sign and commit to this code at the time of accepting the employment offer or within seven (7) days of assuming office.

A serving employee shall sign the Code of Conduct and Ethics within the first quarter of every year after review.

1.3 OBJECTIVES OF THE CODE

The purpose of this code of conduct is to govern and regulate behaviours, interactions and actions of KoTDA staff within their various capacities, as they endeavour to achieve the Authority's Vision and Mission by carrying out its Mandate. This Code therefore lays down the standards and procedures of Conduct while providing for penalties in case of breach.

This Code is intended to:

- i. Act as a central guide and reference on the conduct of Officers in decision making.
- ii. Clarify the Authority's Vision, Mission, Values and Principles and link them with the standards of professional conduct.
- iii. Provide clear guidelines to regulate behaviours, interactions and actions.
- iv. Serve as a tool to encourage discussion and practice of ethics so as to guide Officers when dealing with ethical dilemmas, prejudices and grey areas that are often encountered in everyday work and life.
- v. Compliment service standards, policies and rules of the Authority.
- vi. Prescribe penalties in case of breach of the stated values, rules and regulations.
- vii. Create a positive identity for the Authority and its staff members.



1.4 ROLE OF THE BOARD

The Board is committed to playing an oversight role in enforcing the Code.

1.5 ADMINISTRATION OF THE CODE

The Management is responsible for enforcement of the Code of Conduct & Ethics within their respective divisions/departments. It is the duty of the line managers to ensure that Officers carry out their duties efficiently, honestly and to the best of their ability and knowledge. The Chief Executive Officer shall be overall administrator of the Code.

This Code will be operational upon approval by the KOTDA Board.

2 REQUIREMENTS

2.1 COMPLIANCE WITH THE CODE

Officers of KoTDA shall comply with all the requirements in Articles 10 and 232, and Chapter 6 of the Constitution of Kenya 2010, the Leadership and Integrity Act (LIA) 2012 and the Public Officer Ethics Act (POEA) 2003, ACECA, which shall form part of this Code. All Officers shall be expected to conform to the following standard of service:

- i. Perform their duties with integrity, to the best of their abilities and must not allow themselves to be unduly influenced;
- ii. Communicate openly, accurately and honestly. They will demonstrate a sense of purpose and a commitment to achieving the optimum outcome, in the interest of the company even under adverse or tempting conditions;
- iii. Conduct themselves in accordance with the laid down ethical principles and professional codes of conduct of their respective professions.
- iv. Accountable for their actions and decisions;
- v. Comply with all the rules, procedures and regulations that apply to the company, its systems and the way it conducts its business. They are expected to uphold the positive image of the Authority at all times;
- vi. Challenge others if they are acting in an unethical way, report behaviour in conflict with Authority rules and regulations, and accept positive and constructive contributions and/ or criticisms;



- vii. Consult the appropriate supervisor if in doubt about the applicability of this policy in any given circumstances;
- viii. Not engage in wrongful conduct in furtherance of personal benefit; and
- ix. Not falsify records for his/her personal gain.

2.2 RULE OF LAW

Officers of KoTDA shall respect and abide by the Constitution and the law.

Officers of KoTDA shall carry out the duties of the office in accordance with the law.

In carrying out the duties of the office, Officers of KoTDA shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution of Kenya.

2.3 PUBLIC TRUST

An Officer of KoTDA is in a position of public trust and the authority and responsibility vested in them shall be exercised in the best interest of the Authority and the people of Kenya.

2.4 RESPONSIBILITY AND PERFORMANCE OF DUTIES

Subject to the Constitution and any other law, an Officer of KoTDA shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

An Officer of KoTDA shall, to the best of their ability:

- i. Carry out the duties of the office efficiently and honestly;
- ii. Carry out the duties in a transparent and accountable manner;
- iii. Keep accurate records and documents relating to the functions of the office; and
- iv. Report truthfully on all matters of the Authority.

2.5 PROFESSIONALISM

Officers of KoTDA shall:

- i. Carry out duties of the office in a manner that maintains public confidence in the integrity of the office;



- ii. Treat members of the public and other public officers with courtesy and respect;
- iii. Not discriminate against any person, except as is expressly provided by the law;
- iv. To the extent appropriate to the office, maintain high standards of performance and level of professionalism within KoTDA; and
- v. If a member of a professional body, observe and subscribe to the ethical and professional requirements of that body regarding registration and continuing professional development, be bound by the code of ethics relevant professional association; and undergo such disciplinary action of such professional associations for any act of professional misconduct in addition to undergoing disciplinary action of the Authority, where applicable, in so far as the requirements do not contravene the Constitution of Kenya.

2.6 FINANCIAL PROBITY

An Officer of KoTDA shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.

Subject to Article 76(2)(b) of the Constitution, an Officer of KoTDA shall not accept a personal loan or benefit which may compromise the employee in carrying out their duties.

2.7 MORAL AND ETHICAL REQUIREMENTS

An Officer of KoTDA shall observe and maintain the following ethical and moral requirements:

- i. Demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act;
- ii. Not to engage in activities that amount to abuse of office;
- iii. Accurately and honestly represent information to the public;
- iv. Not engage in wrongful conduct in furtherance of personal benefit;
- v. Not misuse public resources;
- vi. Not discriminate against any person, except as expressly provided for under the law;
- vii. Not falsify any records;
- viii. Not engage in actions which would lead to the employee's removal from the membership of a professional body in accordance with the law; and
- ix. Not commit offences under Parts XV and XVI of the Penal Code, the Sexual Offences Act, the Counter-Trafficking in Persons Act, and the Children Act.



2.8 GIFTS, BENEFITS AND FAVOURS

A gift or donation given to an Officer of KoTDA in their capacity as an official of the Authority shall be treated as a gift or donation to the Authority.

An Officer of KoTDA may receive a gift given to them in an official capacity, provided that:

- i. The gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;
- ii. The gift does not exceed a value of Kshs.20,000.00; and
- iii. Monetary items (e.g. cash, gift vouchers, cheques, shares, settlement of loans, bills, school fees, insurance premiums, etc.), jewellery or other gifts precious metals or stones, ivory, animal parts protected under the Convention on International Trade in Endangered Species of wild fauna and flora are prohibited.

An Officer of KoTDA shall not:

- i. Accept or solicit gifts, hospitality or other benefits from a person who:
 - Is under investigation
 - Has a contractual relationship with the KoTDA; and
 - Has any interest that is directly or indirectly connected with the officer's duties.
- ii. Receive a gift which has the potential of compromising his or her integrity, objectivity or impartiality.

An Officer of KoTDA who receives a gift or donation shall declare the gift or donation to the Authority within fourteen (14) days of receipt of the gift. Any promotional or low value items like t-shirts and pens received by an officer of KoTDA shall not be considered as gifts for declaration.

The Authority shall maintain a register of all gifts received by the Officers as provided for in this Code and the Leadership & Integrity Act 2012.

The Secretary, Integrity Committee shall be the custodian of the gifts registers.

Where an Officer receives a gift exceeding the stipulated amount, or the gift is anonymous, irrespective of the value, the recipient must deliver the gift to the CEO, Secretary Integrity Committee or his designated officer for disposal as appropriate in line with the recommendations of the Integrity Committee.

Integrity Committee shall handle gifts given to the Authority.

Gifts collected from Officers may be used for:



- Corporate social investment;
- Raffles during end of year party;
- Awards for staff for performance; or
- Any other ways as may be advised by the Integrity Committee

The Policy does not however, stop the Authority from soliciting, receiving or giving out gifts for charitable purposes in line with the Authority's corporate social investment.

2.9 WRONGFUL AND UNLAWFUL ACQUISITION OF PROPERTY

An Officer of KoTDA shall not use the office to wrongfully or unlawfully acquire or influence the acquisition of property.

2.10 CONFLICT OF INTEREST

An Officer of KOTDA shall use the best efforts to avoid being in a situation where his or her personal interests conflict or appear to conflict with the officer's official duties.

Personal interest includes interest of a spouse, a child, business associate or agent or another matter in which an Officer has a direct or indirect pecuniary or non-pecuniary interest.

An Officer of KOTDA shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in a conflict of the Officer's personal interests and their official duties at KOTDA.

An Officer of KOTDA whose personal interests conflict with their official duties shall declare the personal interests to the Authority through the prescribed conflict of interest register.

The Authority may give directions on the appropriate action to be taken by the employee to avoid the conflict of interest and the employee shall comply with the directions; and refrain from participating in any deliberations with respect to the matter. Any direction issued by the Authority under this subsection shall be in writing.

An Officer of KOTDA shall not award or influence the award of a contract to:

- i. himself or herself;
- ii. the employee's spouse or child;
- iii. a business associate or agent; or
- iv. a corporation, private company, partnership or other body in which the officer has an interest.



- v. Any other party as prescribed in other statutes

Where an Officer of KOTDA is present at a meeting, and an issue which is likely to result in a conflict of interest is to be discussed, the employee of KOTDA shall declare the interest at the beginning of the meeting or before the issue is deliberated upon; and the matter deliberated in their absence.

A declaration of a conflict of interest shall be recorded in the minutes of that meeting.

The Authority shall maintain a register of conflicts of interest in the prescribed form in which an affected employee of KOTDA shall register the particulars of the registrable interests, stating the nature and extent of the conflict.

The registrable interests shall include:

- i. Any connection with a person or a company, whether by relation, friendship, holding of shares or otherwise, which is subject of an investigation by the Authority;
- ii. Any application of re-employment or other form of engagement with the Authority by a family member or friend of the KOTDA employee or by a corporation associated with the employee of KOTDA;
- iii. Any other matter which, taking into account the circumstances thereof, can be reasonably considered to be necessary for registration as a conflict of interest.

The Authority will keep the register of conflicts of interest for seven years after the last entry in each volume of the register.

The Authority shall prepare a report of the registered interest within fifteen (15) days after the end of each quarter and submit to EACC and any other relevant public organisation.

Corporation Secretary or any other authorised officer of KOTDA shall ensure that an entry of registrable interests is updated and to notify the Authority of any changes in the registrable interests, within one month of each change occurring.

2.11 PARTICIPATION IN TENDERS ISSUED BY THE AUTHORITY

An Officer of KoTDA shall not participate in a tender for the supply of goods or services to the Authority.

A company or entity associated with the KoTDA employee shall not be construed as trading with the Authority unless:

- i. The employee of KoTDA has an interest in the company or entity; or



- ii. The employee of KoTDA is a Director of the Company.

2.12 NEPOTISM AND FAVORITISM

Preferential treatment to an Officer of the Authority on appointment, promotion, transfer based on subjective considerations such as friendship, tribe and family ties is not permitted.

An Officer of KoTDA, shall at all times, carry out the duties of the office with impartiality and objectivity and shall not practice favouritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

2.13 SUPERVISION OF CLOSE RELATIVES

The Authority prohibits the deployment of any person having a close personal relationship with another in the Authority in positions or assignments within the same department or in positions that have a financial dependence or influence e.g. an auditing and control relationship, or a supervisor and subordinate relationship.

If a relationship within the scope of this provision exists or develops between two Officers, the employee in the senior position must bring this to the attention of his or her line manager. The Authority shall separate individuals covered by this provision.

2.14 PUBLIC COLLECTIONS

An Officer of KoTDA shall not solicit for contributions from the public (fund raising) for a public purpose unless the President has, by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law.

An Officer of KoTDA shall not participate in a public collection of funds in a way that reflects adversely on the employee's integrity, impartiality or interferes with the performance of the official duties.

2.15 CARE OF AUTHORITY PROPERTY

All Officers will treat the assets and property of the Authority and that of other stakeholders within Authority premises or under Authority care with prudence and will not wilfully waste, damage or misuse such property.

The Authority prohibits the use of KoTDA assets by staff and unauthorised persons, for individual profit or unlawful, or unethical purpose. The information communication technology, intellectual



property (e.g. copyrights, patents, and trademarks), facilities, equipment, machines, software, and cash are to be used responsibly for KoTDA's business purposes only and accounted for.

It is the responsibility of all Officers to prevent unauthorised access through the use of access control cards, passwords, or other security codes, and physical security measures.

All Officers will take the necessary precaution to care for and secure the Authority assets & information in their custody or scope of responsibility. An Officer of KoTDA shall be personally liable for any loss or damage to the Authority property.

Mobile and handheld devices allocated to Officers must be safeguarded in accordance to the guidelines given from time to time.

An Officer of KoTDA shall return to the Authority all the public property in their custody, possession or control at the end of the appointment term as provided for in the HR policies.

2.16 MISUSE OF OFFICIAL INFORMATION

An Officer of KOTDA shall not directly or indirectly use or allow any person under their authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.

Officers are not permitted to divulge insider information in their possession to third parties or use that information for their own advantage. This includes communications with persons having a close personal relationship with Authority Officers.

An Officer of KOTDA shall not be deemed to violate the requirements of this section, if the information is to be used for the purposes of:

- i. Furthering the interests of the Authority;
- ii. Educational, research, literary, scientific or other purposes not prohibited by law.

2.17 GIVING OF ADVICE

An Officer of KoTDA who has a duty to give advice shall give honest, accurate and impartial advice without fear or favour.

2.18 MISLEADING THE PUBLIC

An Officer of KoTDA shall not knowingly give false or misleading information to any person.



2.19 GAINFUL EMPLOYMENT

KoTDA Officers serving on a full-time basis shall not participate in any other gainful employment. “Gainful employment” means work that a person can pursue and perform for money or other form of compensation or remuneration which is inherently incompatible with their responsibilities or which results in the impairment of the judgement of the KoTDA employee in the execution of the functions of the KoTDA or results in a conflict of interest.

2.20 OFFERS OF FUTURE EMPLOYMENT

An Officer of KoTDA shall not allow himself or herself to be influenced in the performance of their duties by plans or expectations for offers of future employment or benefits.

An Officer of KoTDA shall disclose, in writing, all offers of future employment or benefits that could place the employee in a situation of conflict of interest.

2.21 FALSIFICATION OF RECORDS

An Officer of KoTDA shall not falsify any records or misrepresent information to the public.

2.22 CONDUCT IN PUBLIC AND PRIVATE

The Authority Officers shall conduct themselves with dignity and decorum in both public and private to maintain public confidence in the integrity of the office they hold.

2.23 WORK PLACE HARASSMENT

All Officers of KoTDA shall avoid unwelcome, abusive, belittling or threatening behaviour to his/her fellow Officers.

2.24 SEXUAL HARASSMENT

An Officer of the Authority shall not sexually harass fellow colleagues or members of the public. Sexually harassing behaviour may include, but not limited to:

- i. Demand for sexual favours in exchange for or threat of withdrawal of employment;
- ii. Unwanted flirtation;
- iii. Intentional physical contacts that are sexual in nature;
- iv. Sexual propositions, making gestures, noises, advances or sexist jokes or anecdotes or comments that are insulting;



- v. Demeaning or derogatory behaviour towards a person because of gender which is either obviously offensive or continue after the speaker is informed that those comments have caused offence.
- vi. And any other offences as defined in the Authority's Sexual Harassment Policy

2.25 BULLYING

An Officer of KoTDA shall not bully any person.

“Bullying” includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

2.26 POLITICAL NEUTRALITY

An Officer of KoTDA shall not engage in any political activity that may compromise or may be seen to compromise the political neutrality of their office. However, this should not affect the right of the employee in participating in the democratic political process such as voting at elections or referendum.

An Officer of KoTDA, shall not in the performance of his/her duties:

- i. Act as an agent for, or further the interests of a political party or candidate in an election;
or
- ii. Manifest support for or opposition to any political party or candidate in an election.

2.27 IMPARTIALITY

An Officer of KoTDA shall, at all times, carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution and shall not practice favouritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

2.28 ACTING THROUGH OTHERS

An Officer of KoTDA contravenes this Code if the officer:

- i. Causes anything to be done through another person that would constitute a contravention of the Code if done by the KoTDA employee; or
- ii. Allows or directs a person under their supervision or control to do anything that is in contravention of the Code. This shall not apply where anything is done without the KoTDA



employee's knowledge or consent or if the KoTDA employee has taken reasonable steps to prevent it.

An Officer of KoTDA who acts under an unlawful direction shall take personal responsibility for his or her actions.

2.29 FINANCIAL, SOCIAL AND LEGAL OBLIGATIONS

An Officer of KoTDA shall live within their means and avoid incurring any financial liability that may lead to pecuniary embarrassment.

An Officer of KoTDA shall not neglect their financial or legal obligations and shall pay any taxes due from him or her within the prescribed period.

All Officers shall conduct their personal affairs in a manner that maintains a positive image of the Authority and shall not neglect to meet/settle their financial obligations.

2.30 REPORTING IMPROPER ORDERS

If an Officer of KoTDA considers that anything required of them is in contravention of this Code, is otherwise improper or unethical, the employee shall decline and report the matter to the supervisor, head of division/department, Human Resource Manager, KoTDA CEO, or any other channel as provided for within the law.

The Authority shall investigate the report and take appropriate action within 90 days of receiving the report.

2.31 CONFIDENTIALITY

No employee shall disclose or cause disclosure of any confidential information in his/her custody or any other authorised person. In his/her respect, they will abide by the following:

- i. All Officers shall be required to sign the official secrets form for preservation of the Authority's Secrets and Security, contravention of which will warrant disciplinary action to be taken against the employee;
- ii. Every employee shall be required to sign a declaration of secrecy form under the Official Secrets Act (Cap.187) on appointment and on expiry of service;



- iii. Officers shall continue, after separation from the Authority, to remain subject to the Official Secrets Act as regards all classified information obtained by them while in Service of the Authority;
- iv. Disclosure of information within or outside Authority shall be through the appropriate channels.

2.32 EMPLOYEE DRESS CODE

The Authority Officers must at all times be suitably and neatly dressed as set out in the Human Resource Manual with a view to presenting a courteous, smart and efficient image to the public/customers. The clothing should display appropriate message that does not promote businesses of the Authority's competitors or comprise public officer's dignity.

2.33 DECLARATION OF INCOME, ASSETS AND LIABILITIES

All Officers shall be required to declare their income, assets and liabilities every two years as per the prescribed form in Public Officers Ethics Act, 2003. Newly engaged Officers shall be required to submit an initial declaration of their income, assets and liabilities within one month of engagement. Those leaving the service of the Authority will be required to do the same at the time of separation from the Authority.

3 REPORTING PROCEDURE

Any violations of this Code shall be reported to the CEO or any other designated officer.

Officers may also report any suspicious matter bordering on corruption through the corruption reporting mechanism provided for in the Anti-Corruption or to Ethics & Anti-Corruption Commission (EACC) by going to their website www.eacc.go.ke. Other reporting mechanisms provided include reporting through Integrity Assurance Officers, writing anonymous letters, and the corruption reporting hotline and email address as provided for in the KoTDA Anti-Corruption Policy.

Information disclosed during the course of the investigation will remain confidential, except as necessary to conduct the investigation and take any remedial action.

The Authority shall cooperate fully with the appropriate authorities, where laws have been violated.



4 ENFORCEMENT OF THE CODE

The Chief Executive Officer shall be responsible for the enforcement of this Code.

A Breach of this code of ethics will result in disciplinary action which may include suspension, dismissal, reprimand or any other action deemed to be reasonable and appropriate.

5 PENALTIES FOR BREACH OF THE CODE

Any employee found to have breached the Code of Conduct & Ethics shall be dealt with in accordance with the Human Resource Manual. It is therefore important that all Officers read and understand the Code before appending their signatures.

Any person may lodge a complaint alleging a breach of this Code by an Officer of KoTDA as provided for in this Code.

At the close of investigation, the Disciplinary Committee shall take appropriate disciplinary action against the employee including referring the case to other relevant bodies such as the EACC, the Ombudsman and DCI among others.

6 REVIEW

This Code of Conduct and Ethics may be reviewed after every three (3) years or as need arises.



Silicon Savannah

7 EFFECTIVE DATE

This policy is published and adopted with effect from _____ 2019.

Issued this _____ day of _____ 2019

Eng. John Tanui, MBS

CHIEF EXECUTIVE OFFICER



ANNEXURE 1: ACKNOWLEDGEMENT

I _____ P/No. _____
_____ acknowledge that I have received, read and understood the Konza
Technopolis Development Authority Code of Conduct and Ethics. I shall abide by it at all times
during my employment at the Authority.

Signature _____

Position _____

Date _____.