12. The provisions of this Order shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him or his property or any of his interests caused by the exercise of any power conferred by this Order or by the failure, whether wholly or partially, of any action.

13. The Authority may, by resolution, either generally or in any particular case, delegate to a committee of the Authority or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties the Authority is authorized by this Order to exercise or perform.

14. In addition to any gifts, grants, donations, fees or other moneys which the Authority may receive, there shall be paid to the Authority by way of grants in every financial year, out of money appropriated by Parliament for the purpose of carrying out the functions of the Authority, such sum as the Minister may determine as being necessary to enable the Authority to carry out its functions, having regard to the estimate for the year approved under section 11 of the Act.


MWAI KIBAKI,
President.

LEGAL NOTICE NO. 80
THE BANKING ACT
(Cap. 488)

IN EXERCISE of the powers conferred by section 31 (3) (b) and 55 (1) of the Banking Act, the Minister for Finance makes the following Regulations:

THE BANKING (EXCHANGE OF INFORMATION) REGULATIONS, 2004

1. These Regulations may be cited as the Banking (Exchange of Information) Regulations, 2004.
2. The Central Bank and institutions licensed under the Banking Act, may exchange information relating to their respective customers upon agreement and subject to the restrictions stipulated herein.

3. The Minister may, in consultation with the Central Bank, approve mechanisms, such as credit reference bureaus, set up from time to time by institutions licensed under the Banking Act, through which the institutions may exchange information.

4. The mechanisms set up for the exchange of information must contain such safeguards as are reasonably required for the protection of the confidentiality of the information exchanged.

5. Any customer of a participating institution shall have a right to know what information the bureau(s) holds on him or her, provided that the bureau(s) shall disclose to the customer the nature and substance of information in their records and allow customers to file complaints with reporting institutions, who shall investigate disputed records and up-date the records if the investigations provide material changes in the credit information.

6. Participating institutions shall be required to notify their customers of the name and address of the bureau(s) whose credit reports were used as basis for adverse credit decisions.

7. The Minister may, in consultation with Central Bank, terminate any exchange of information agreement by notice addressed to the institutions if there is any breach of the Central Bank of Kenya Act, the Banking Act or regulations, rules, orders thereunder or directions issued by the Central Bank or if the Central Bank is of the opinion that the exchange of information agreement is in any manner detrimental to or not in the best interest of the Banking sector or customers.

8. Upon it being shown to the satisfaction of the Central Bank that any institution is in breach of the confidentiality safeguards therein, the Central Bank may, by notice addressed to such institution, order the immediate termination of such institution’s right to participate in the exchange of information agreement as specified under these rules, for such period as the Central Bank may stipulate in such notice.

9. The nature and type of information to be exchanged under these Regulations shall be in such manner as prescribed by the Central Bank from time to time.


DAVID MWIRARIA,
Minister for Finance.