

KENYA VETERINARY ASSOCIATION

OFFICIAL COMPLIANCE MEMORANDUM

TO: All Members of the Kenya Veterinary Association (KVA)
FROM: President, Kenya Veterinary Association
DATE: September 11, 2026
SUBJECT: **Legal Compliance, Data Protection, and Poster Accountability on KVA Digital Platforms**

1. Digital Platforms as Essential Pillars of Veterinary Discourse

The 'KVA Members Info' WhatsApp group, related branch groups, KVA Whatsapp channel, the KVA Google Group, and other digital forums serve as vital pillars of our professional community. These official digital platforms provide essential, high-speed conduits for scientific and clinical consultation, academic and social exchange, and the rapid dissemination of urgent regulatory and industry news. However, while the Kenya Veterinary Association (KVA) is deeply committed to upholding and protecting our members' constitutional right to free expression, this right is not absolute. Under Kenyan law, free speech is circumscribed by professional, statutory, and ethical obligations. Maintaining a professional, respectful, and legally compliant digital environment is a strategic and collective responsibility. This memorandum serves as a guide to the legal and social risks inherent in digital publishing. Understanding and adhering to these guidelines is not merely a matter of professional etiquette; it is a critical mandate for institutional risk management and personal liability protection.

2. Judicial Reclassification of Group Administrators as Publishers

There has been a recent shift in the Kenyan judiciary regarding the liability and management of digital communities. Under current legal interpretations and judicial precedents, WhatsApp group administrators and online forum moderators are classified legally as "publishers." This critical designation elevates administrators to the same stringent legal and regulatory standards as traditional media organizations and editors, holding them directly responsible for the content shared by their members.

Most critically, Kenyan jurisprudence has established that administrators are held liable for unlawful content shared within their groups, regardless of whether they had prior knowledge, explicitly approved, or actively participated in the posting. Under this jurisprudence, inaction-defined as the failure to immediately intervene, delete offending posts, correct false narratives, or formally reprimand violating members-is legally interpreted as endorsement or publishing. In the event of a regulatory or criminal breach, administrators are deemed guilty by virtue of their status as the controlling entity of the platform, unless they can demonstrate prompt, documented corrective action.

3. Statutory Boundaries and Criminal Liabilities Under Kenyan Law

The regulation of digital discourse in Kenya is enforced through an overlapping statutory framework. The perceived privacy of a closed WhatsApp group, a private Telegram channel, or a secure email list serves as no defense under the law. Digital infractions are actively prosecuted under several primary legislative instruments:

- **National Cohesion and Integration Act, 2008:** Imposes severe criminal liability for any speech or content deemed to promote ethnic division, hate, or national discord. Violations carry substantial prison sentences and hefty individual fines.
- **Computer Misuse and Cybercrimes Act, 2018:** Establishes stringent penalties for distributing false information, alarming propaganda, cyber-harassment, and unauthorized data disclosures. Under this Act, both the poster and the facilitating platform are exposed to prosecution.
- **Data Protection Act, 2019:** Regulates the processing, storage, and sharing of personal data. Unlawful exposure of personally identifiable information (PII) on social platforms constitutes a severe regulatory breach.

Code of Ethics for Veterinary Surgeons and Veterinary Paraprofessionals. Regulates the interaction of veterinary practitioners with each other, their clients, patients and the public. Violations lead to disciplinary processes that could lead to fines, suspension and deregistration by the Kenya Veterinary Board.

These statutes are backed by a State 'zero-tolerance' enforcement policy. Regulatory and security agencies have the authority and the technical means to breach the perceived anonymity of private digital groups to protect national security, public safety, and statutory compliance.

4. Real-World Precedents and Judicial Enforcement in Kenya

The legal liabilities described in this memo are not theoretical constructs; they are being actively and aggressively enforced by the Kenyan state. Members must be fully aware of recent real-world precedents:

- **The Case of Japheth Mulewa:** A WhatsApp group participant who was arrested and detained in Malindi for sharing messages that allegedly threatened to "slaughter members of a certain community." This post was prosecuted as a direct threat to national security and hate speech under the National Cohesion and Integration Act, highlighting that the state will aggressively pursue individual posters.
- **The Case of Longton Jamil:** The administrator of the "Kajiado Unity of Purpose" WhatsApp group, who was arrested and charged under the Computer Misuse and Cybercrimes Act for failing to moderate and delete alarming propaganda, including graphic images of deceased persons, posted by a group member. This landmark case establishes that administrators who fail to govern their platforms face direct criminal prosecution.

5. Expanded Prohibited Content Categories and Legal Warnings

To ensure comprehensive compliance and protect the KVA digital ecosystem, the scope of prohibited content has been significantly expanded. Members are strictly warned that posting or facilitating any of the following categories of content is a breach of KVA guidelines and Kenyan law. The following table delineates these prohibited content areas, their definitions, and associated statutory risks:

Prohibited Category	Scope and Specific Violations	Statutory Basis & Legal Risks
Hate Speech & Incitement	Inflammatory, derogatory, or offensive statements targeting individuals or groups based on ethnicity, race, religion, gender, or community affiliation.	National Cohesion and Integration Act. Penalties include up to 3 years' imprisonment, substantial individual fines, and joint group liability.
Unauthorized Release of Information	Sharing confidential internal board decisions, draft policies, committee minutes, member directories, or proprietary research without written executive consent.	Common law breach of confidence, intellectual property infringement, and immediate disciplinary process under the KVA Constitution.
Breaches of Personal & Professional Privacy	Posting recognizable patient cases, clinical records, or client names without owner consent; sharing personal contact details of colleagues ("doxxing").	Data Protection Act, 2019. Triggers severe regulatory audits, statutory fines up to KES 5 million, and civil lawsuits for privacy violations.
Defamation & Professional Misconduct	Publishing unverified, malicious, or damaging claims against other veterinary practitioners, clinics, or KVA leadership.	Defamation Act (Cap 36). Exposes the poster to substantial civil damages, professional de-registration, and ethical disciplinary action.
Alarming Propaganda & Falsehoods	Spreading fake news, unverified security alerts, alarmist health scares, or graphic media that disrupts public order or professional standing.	Computer Misuse and Cybercrimes Act, 2018. Fines up to KES 5 million and/or imprisonment for up to 10 years for spreading cyber-falsehoods.
Antagonising and Insulting language	Repeated use of insulting language, instigation of prolonged antagonistic arguments which bring the profession into disrepute and disturb the peace of the social media space	Expulsion after warning. Possible referral to the Kenya Veterinary Board due to breach of the Code of Ethics
Spam, Fluff and social media noise	Frequent posting of irrelevant, annoying content despite warnings to desist	Immediate expulsion from the social media space

The categories outlined above represent the baseline compliance standards for all KVA channels. The inclusion of specific regulatory and civil risks underlines that a poster's liability extends far beyond internal association discipline, directly intersecting with the state's criminal and civil judicial systems.

6. Enhanced Member Responsibilities and Individual Accountability

In response to the heightened legal liability of platform administrators, the Kenya Veterinary Association has instituted a rigorous individual accountability framework. It is no longer acceptable to rely on administrators to catch and delete non-compliant posts. Every member participating in KVA digital platforms must strictly adhere to the following enhanced responsibilities:

- **Sole Civil and Criminal Liability:** Every member is solely and individually responsible under civil and criminal law for their digital posts. By remaining a participant in any KVA-managed digital platform, members explicitly agree to fully indemnify the KVA, its national executive, its branches, and platform administrators against any legal claims, damages, liabilities, or prosecutions arising directly or indirectly from their posts.
- **Mandated Ethical Alignment:** Digital platforms are legally recognized as extensions of professional veterinary practice. All posts, advice, and commentary must adhere strictly to the Veterinary Surgeons and Veterinary Paraprofessionals Act (VSVP Act) and the Code of Ethics. Professional decorum, ethical consultation, and respectful peer-to-peer discourse are non-negotiable requirements.
- **Strict Platform and Group Confidentiality:** The KVA Google Group, WhatsApp forums, and other designated communities are private professional spaces. Members are strictly prohibited from screenshotting, copying, exporting, or leaking any discussions, clinical consults, internal notices, or peer-to-peer debates to external social media platforms, public websites, or third-party organizations without written presidential approval.
- **Active Duty to Correct and Report:** Members have an active professional duty of self-regulation. If a member discovers they have inadvertently posted inaccurate, unverified, or non-compliant information, they must immediately issue a clear correction and delete the offending post. Furthermore, members are professionally obligated to immediately report any identified privacy breaches or unauthorized information leaks to the platform administrator to facilitate rapid mitigation.

7. Strategic Risk Mitigation and Enforcement Protocols

To safeguard the KVA community, active, documented platform governance is an absolute necessity. The primary defense against joint legal culpability for platform administrators is the presentation of clear, documented "evidence of caution" in a court of law. To establish this defense, the KVA mandates the following enforcement protocols:

Mandatory Administrator Duties

1. **Stringent Member Vetting:** Only add individuals who have been formally verified as active, fully licensed KVA members in good standing. This prevents infiltration by unauthorized third parties and maintains the professional integrity of the group.
2. **Continuous Thread Monitoring:** Regularly review all active discussion threads to ensure that all shared content meets the strict professional, statutory, and ethical standards outlined in this memo.

3. Rapid Corrective Action: Promptly delete non-compliant posts. The immediate removal of offending content constitutes a formal administrative denial of the message and serves as the primary legal defense against a charge of "publishing" under Kenyan law.

4. Complaint Receipt: Receive complaints from members against a member who shares content deemed inappropriate or offensive.

Enforcement Hierarchy and Sanctions

To enforce these standards, a clear disciplinary hierarchy has been established for members who violate these compliance guidelines:

- **Level 1 - Immediate Deletion and Warning:** Upon a first minor infraction (e.g., sharing unverified information), the administrator will immediately delete the post and issue a formal, documented warning to the member, outlining the specific guideline breached.
- **Level 2 - Temporary Suspension:** Upon a repeated minor infraction or a first major infraction (e.g., releasing unauthorized internal KVA data or breaching clinical privacy), the administrator will delete the post, issue a final written warning, and suspend the member's posting privileges or remove them from the group for a period of fourteen (14) days.
- **Level 3 - Permanent Expulsion and Disciplinary Referral:** For severe, malicious, or repeated compliance failures (e.g., hate speech, doxxing, or leaking confidential discussions to the public), the administrator will permanently expel the member from all KVA digital platforms. The National Executive Council (NEC) will formally refer the individual to the KVA Disciplinary Committee for misconduct.

8. Professional Integrity and Preserving the Digital Sanctuary

These guidelines are not designed to stifle robust debate, clinical consults, or healthy professional disagreement. On the contrary, they represent a vital protective shield for our members, our administrators, and the Kenya Veterinary Association. By maintaining these rigorous standards, we ensure that KVA's digital platforms remain safe, trusted, and highly collaborative sanctuaries for veterinary advancement and professional unity, rather than legal liabilities for our members. All KVA members are urged to prioritize professional ethics, exercise deep self-responsibility, and maintain a high level of legal awareness in every digital interaction.

SIGNED,



DR. KELVIN OSORE

PRESIDENT, KENYA VETERINARY ASSOCIATION

DATE:

These Guidelines shall be reviewed annually