

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW APPLICATION NO. E119 OF 2023

REPUBLIC.....APPLICANT

VERSUS

TOOLS FOR HUMANITY CORPORATION (US).....1ST RESPONDENT
TOOLS FOR HUMANITY Gmbh.....2ND RESPONDENT
WORLD COIN FOUNDATION (CAYMAN ISLANDS).....3RD RESPONDENT
WORLD ASSETS LIMITED (BRITISH VIRGIN ISLANDS).....4TH RESPONDENT
PLATINUM DE PLUS LTD.....5TH RESPONDENT
DATA PROTECTION COMMISSIONER.....6TH RESPONDENT
CABINET SECRETARY, MINISTRY OF INFORMATION,
COMMUNICATION AND THE DIGITAL ECONOMY.....7TH RESPONDENT
COMMUNICATIONS AUTHORITY.....8TH RESPONDENT
CENTRAL BANK OF KENYA.....9TH RESPONDENT
KATIBA INSTITUTE.....1ST APPLICANT
LAW SOCIETY OF KENYA.....2ND APPLICANT
KENYA HUMAN RIGHTS COMMISSION.....3RD APPLICANT
INTERNATIONAL COMMISSION OF JURISTS (KENYA).....4TH APPLICANT
AFRICAN CENTER FOR OPEN GOVERNANCE.....5TH APPLICANT

AND

DATA PRIVACY & GOVERNANCE SOCIETY OF KENYA.....INTERESTED PARTY

RULING ON WITHDRAWAL OF APPLICATION

1. The applicant Data Protection Commissioner in the application dated 11/9/2025 seeks leave of court to withdraw the said application with no orders as to costs on account that it did supervise and confirm the deletion of all data as directed by the Court. The Respondents have no objection.

2. However, Mr. Odanga for the exparte applicants seeks an affidavit to proof that the data was deleted. The affidavit, in my view, would not be proof of deletion of data. In the application, the applicant had simply sought extension of time for supervision of deletion of data. The court had initially given 7 days. However, because the data was in Germany, the applicant travelled to Germany and supervised the data deletion and has informed the court of such deletion.
3. All the court needs is a written confirmation, for record purposes and for posterity that such data was deleted, noting that the applicant is the sole national regulator who must act in the public interest at all times, as was the case in this matter.
4. Therefore, this court cannot hold onto the application which sought for extension of time to supervise the exercise yet the application has been overtaken by events of the applicant Office of the Data Protection Commissioner having fully supervised the data deletion.
5. Accordingly, this court allows the request for withdrawal of the application dated 11/9/2025 with no orders as to costs but directs the applicant to file into court a written communication which will

also be issued to the general public, within the next seven days, informing the public that it supervised the subject's data deletion.

6. I so order and close this file.

Dated, Signed and Delivered at Nairobi this 14th Day of November, 2025

R.E. ABURILI

JUDGE

ORIGINAL