

20th January 2023

CHAIRPERSON STATEMENT ON THE ONGOING IMPASSE BETWEEN KAMP AND KECOBO

I wish to formally inform our members and the public of an ongoing stalemate between Kenya Association of Music Producers (KAMP) and the Kenya Copyright Board (KECOBO) which regulates the operations of collective management organisations in the country in line with the existing Copyright Act. I wish to take this opportunity to clarify that KAMP has endeavoured to operate in line with the set collective management regulations and wish to further reiterate our continued commitment to fulfilling our mandate in the interest of both our members and the public.

For KAMP to fully meet its mandate, it is legally required to apply, on an annual basis, for an operating license from KECOBO which in turn must objectively assess KAMP's application and provide guidance backed by the law within a reasonable period. We initiated the process of applying for a CMO license from KECOBO in October 2022, having complied with all requirements set by KECOBO. We submitted all the necessary documents by 26th October 2022, and since then we have accepted all the conditions KECOBO has imposed on us except one.

The current impasse is consequent to KECOBO's unreasonable, illegitimate and illegal demands that KAMP hands over to KECOBO all of our members' data as a precondition of getting an operating licence from the Board. This demand is contrary to section 25 of the Data Protection Act. The said section provides *inter alia* "Every data controller or data processor shall ensure that personal data is processed in accordance with the right to privacy of the data subject." Besides, KAMP had received explicit instructions from our members' during the KAMP 2022 Special General Meeting not to give out their data to KECOBO or any other entity for that matter. Despite notifying KECOBO of the resolution by members, the Board has in fact doubled up on its intransigence and flatly insists on KAMP surrendering its members' data to the Board.

We have informed KECOBO – and hereby reiterate that the current Copyright Act upholds copyright as a private/personal property exclusively owned and controlled by its creators who have the power to grant or prohibit use, including any action that may result in unauthorised exploitation. We believe that KECOBO's obstinacy is not only suspect but also shows that the Board is acting in bad faith, attempting to coerce a private entity into infringing on the Data Protection Act. KECOBO's actions do not align with Kenya Kwanza commitment to protecting and promoting the creative economy. In fact, it seems KECOBO is fixed on destabilising the collective management edifice and rendering it ineffective.

On behalf of KAMP, I want to reiterate our dedication and commitment to our members and categorically assure them that we will not be forced into such a situation. We have taken the matter before the Cabinet Secretary Hon. Ababu Namwamba and the Copyright Tribunal for direction, and we hope to have the matter resolved soon.

I thank our members for their continued support and assure them that we are doing our best to reach a fair and equitable solution.

Angela Ndambuki
Chairperson, KAMP