



National Computer and Cybercrimes Coordination Committee (NC4)

PROCEDURE FOR DESIGNATION OF CII AND COMPLIANCE

Introduction

1. The National Computer and Cybercrimes Co-ordination Committee (NC4) is mandated to coordinate national cybersecurity matters to enable timely and effective detection, prohibition, prevention, response, investigation and prosecution of computer misuse and cybercrimes; and facilitate international cooperation in dealing with computer and cybercrime matters in Kenya.
2. In line with this mandate, the NC4 plays a key role in safeguarding the country's digital assets, including through the designation of Critical Information Infrastructure (CII).
3. The process for designating Critical Information Infrastructure (CII) involves the Director of the NC4 identifying systems essential to national well-being and publishing this designation in the Kenya Gazette. Below is a general outline of the procedure:

Part I

CMCA Act and Regulations Criteria for designation of CIIs

4. The Computer Misuse and Cybercrimes (CMCA) Act 2018, Section 9 and CMCA Regulations 2024 Section 18 provides for designation of ICT Infrastructure, Computer and Information Systems and related support technologies as a critical information infrastructure.
5. These Systems are designated as a critical information infrastructure, if a disruption of the system would result in:
 - a. The interruption of a life-sustaining service including the supply of water, health services and energy;
 - b. An adverse effect on the economy of the Republic;

- c. An event that would result in massive casualties or fatalities;
- d. Failure or substantial disruption of the money market of the Republic; and
- e. Adverse and severe effects of the Security of the Republic, including intelligence and military services.

6. Further, the Regulations provided for an organization, entity or sector may apply to be designated as a critical infrastructure by providing the information as outlined in schedule 2 of the CMCA regulation 2024.

Part II

Designation Process

7. A CII can be designated either by NC4 Director or through an application by the CII owner.

Responsibilities of the Owner

8. The owner of the designated CII is informed of their responsibilities under the Act and relevant regulations.

a. This includes the requirement to designate a Chief Information Security Officer (CISO) to provide technical support.

b. The owner is also required to comply with specific security measures and standards established for CIIs, including reporting incidents and submitting compliance reports as referenced in CMCA Section 9(4), 13 (Audits) and Section 40 (Reporting) respectively.

c. A Sector Cybersecurity Operations Centre to be responsible for monitoring, detecting, preventing, responding and investigating cyber threats, that are specific to their respective Sector, hence reporting to the national SOC as referenced in Regulation 11(2).

Risk Assessment & Cybersecurity Measures

9. Designated CIIs either gazetted or awaiting gazettelement are required to conduct cybersecurity audits and implement security measures to protect their infrastructure.

Compliance & Accreditation

10. NC4 to accredit the CIIs for compliance. Additionally, the CMCA Regulations of 2024 provide a framework for monitoring and enforcing cybersecurity standards.

Role of NC4

11. The NC4 is responsible for the overall coordination and management of cybersecurity in Kenya, including the designation and protection of CIIs. It also plays a role in developing and enforcing cybersecurity policies and standards for CIIs.

Conclusion

12. NC4 recognizes the diversity of missions and mandates of organizations and the various systems supporting their delivery and achievement. To allow for flexibility, the guidelines are not made to be exhaustive or concussive. The Heads and Chief Executive Officers of the various CIIs must take initiative to ensure compliance with the law and the regulations by building the necessary human resource critical mass and technical capabilities that will ensure Systems resilience to support their business operations and service to the people of Kenya.