

IDEMIA IN KENYA

→ Formal Notice

December 16, 2021 & April 5, 2022

→ Summons

July 29, 2022

→ Settlement agreement

August 1st, 2023

ISSUES

Data Rights, the Kenya Human Rights Commission and the Nubian Rights Forum (NRF) are suing IDEMIA, one of the leading biometric tech companies in the world, for failing to adequately identify and address human rights risks linked to its provision of a technology to capture the population's biometric data in Kenya.

ACTORS

Data Rights is a European non-profit organization that defends, enforces, and advances data rights. It challenges governments and businesses where their actions undermine the environment, the rule of law, and fundamental rights.

The Kenya Human Rights Commission is a Kenyan organization founded in 1992 which has been campaigning for the entrenchment of a human rights and democratic culture in Kenya. The Nubian Rights Forum is an organization that advocates for the rights of the Nubian ethnic minority in Kenya.



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To go further 

[Le Monde, « Au Kenya, les failles de la biométrie électorale », 23 mai 2022](#)

CASE DESCRIPTION

Data Rights, the Kenya Human Rights Commission and the Nubian Rights Forum (NRF) are suing IDEMIA, one of the leading biometric tech companies in the world, before the Paris judicial tribunal. The case alleges that IDEMIA failed to adequately address human rights issues in its vigilance plan, in particular with respect to of its 2018-2019 contract with the Kenyan government to furnish technology to capture the population's biometric data for the development of a national digital ID system in Kenya, so-called National Integrated Identity Management System (NIIMS) or Huduma Namba.

The claimants argue that NIIMS runs the risk of excluding already marginalized communities who struggle to register. At the same time, the centralised storage of data without proper checks and balances carries the risk of being exploited for new purposes, including surveillance. Despite these apparent risks to human rights, they claim that IDEMIA sold the enabling technology to Kenya without complying with the French Duty of Vigilance Law.

The claimants are asking the Parisian court to order that IDEMIA adequately assess the risks inherent in Information Technology System (ITS) products and design appropriate mitigating measures. Data Rights emphasises the need for tech companies to adopt proper and efficient human rights due diligence procedures, especially when entering business relationships with governments.

“Biometric digital ID systems are often seen as an efficient way to modernise the public sector, but if this is done without due regard to their human rights impact, it can cause more harm than good”, said Lori Roussey from Data Rights. “Any new biometric technology and personal data processing solution can be misused. Companies must pay particular attention to whom they sell their services to.”

NIIMS has already been challenged in domestic courts by civil society and human rights groups for both breaching data protection and the exclusionary nature of the system. In 2020, the Kenyan High Court called the NIIMS legal framework on privacy as “inadequate and totally wanting”. In 2021, the Kenyan High Court declared the roll-out of NIIMS illegal for being in conflict with the Kenyan Constitution, as it upholds the right to privacy. The High Court's ruling successfully blocked the continuation of NIIMS' nation-wide implementation.

